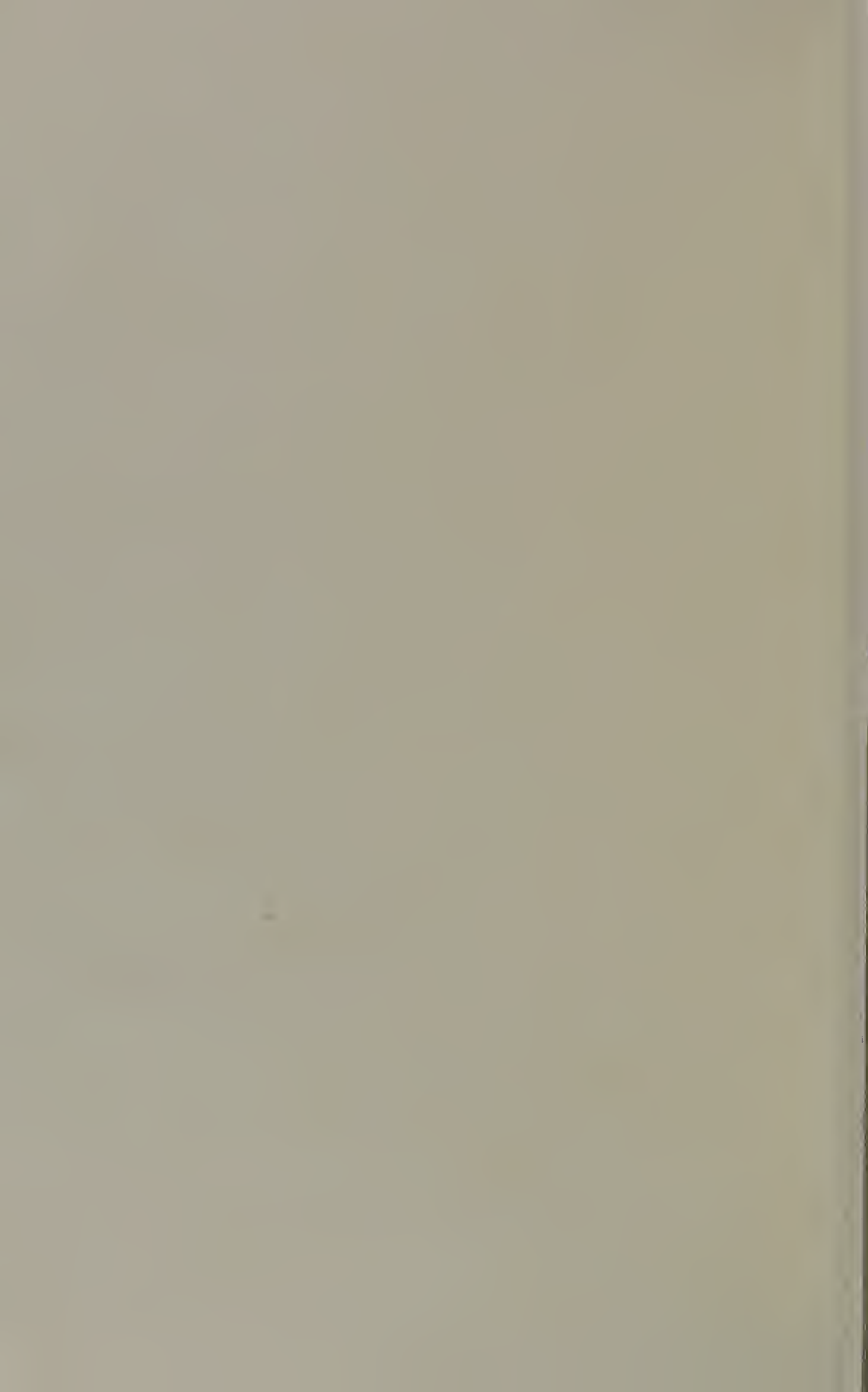






THE QUEEN *v.* PALMER.

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VERBATIM REPORT

OF

THE TRIAL

OF

WILLIAM PALMER

AT THE

CENTRAL CRIMINAL COURT, OLD BAILEY, LONDON,

MAY 14, AND FOLLOWING DAYS, 1856,

BEFORE

LORD CAMPBELL, MR. JUSTICE CRESSWELL, AND  
MR. BARON ALDERSON.

TRANSCRIBED FROM THE SHORT-HAND NOTES OF MR. ANGELO BENNETT,  
OF ROLLS CHAMBERS, CHANCERY LANE.

ENTERED AT]

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[STATIONERS' HALL.

LONDON:

J. ALLEN, 20, WARWICK LANE, PATERNOSTER ROW;  
COCKSHAW AND YATES, 6, HORSESHOE COURT,  
LUDGATE HILL.

1856.

*The right of Translation is reserved.*

**COUNSEL FOR THE CROWN.**

The ATTORNEY-GENERAL,  
Mr. JAMES, Q. C.,  
Mr. BODKIN,  
Mr. WELSBY, and  
Mr. HUDDLESTON.

**COUNSEL FOR THE PRISONER.**

Mr. Serjeant SHEE,  
Mr. GROVE, Q. C.,  
Mr. GRAY, and  
Mr. KENEALEY.

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The following Gentlemen were sworn on

**THE JURY.**

THOMAS KNIGHT, of Leytonstone.  
RICHD. DUMBRELL, Fore Street.  
WM. MAVOR, Park Street.  
WM. NEWMAN, Coleshill Street.  
GEORGE MILLER, Duke Street, Grosvenor Square.  
GEORGE OAKSHOTT, Ham Lane, West Ham.  
CHARLES BATES, Borough Road.  
WM. ECCLESTONE, Ham Lane.  
SAMUEL MULLETT, Great Portland Street.  
JOHN OVER, Grosvenor Road, Pimlico.  
WM. NASH, Conduit Street.  
WM. FLETCHER, Fore Street.

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The prisoner, WILLIAM PALMER, Surgeon, of Rugeley, aged 31, was indicted for having at Rugeley, county of Stafford, on November 21st, 1855, feloniously, wilfully, and with malice aforethought, committed murder on the person of JOHN PARSONS COOK.



# FIRST DAY'S TRIAL.

May 14, 1856.

THE prisoner, on being called upon, pleaded NOT GUILTY.

Mr. James.—My Lords, my friend Mr. Serjeant Shee has communicated to me his wish, and it is the desire of the Attorney-General, that, if any of the jury are connected with insurance offices in any way, they should leave the box; that is the wish of the prosecution also. The offices which will be alluded to in particular will be the Prince of Wales, the Solicitors' and General, and the Midland Counties.

Lord CAMPBELL.—Everything should be done to remove even a suspicion that the trial is not fair; therefore, if there be any juryman who is connected with any insurance office, without any imputation on him, he will be good enough to withdraw.

A Juror.—That merely applies to proprietors and shareholders, my Lord?

Lord CAMPBELL.—Certainly; that is all.

The Attorney-General.—May it please your Lordships: Gentlemen of the Jury:—You are assembled to-day to discharge the most solemn duty that man can be called upon to perform, to sit in judgment, with the issue of life and death in your hands, upon one who stands charged with the highest crime for which man can be arraigned before a worldly tribunal. I am sure that I need not ask your most anxious and earnest attention to such a case, but there is one duty which I feel it incumbent on me to perform. The peculiar circumstances of this case have given it a profound and painful interest throughout the whole country: there is perhaps scarcely a man who has not come to some conclusion upon the issue which you are now to decide. The details have been seized upon with eager avidity—there is scarcely a society in which the merits of it have not been discussed.

Gentlemen, standing here as a minister of justice, with no interest and no desire save that justice shall be done impartially and righteously, I feel it incumbent on me to warn you not to allow any preconceived opinion to operate on your judgment this day. Your bounden duty is to try this case according to the evidence which shall be brought before you, and according to that alone. You must discard from your minds anything you have read or heard, or any opinion you may previously have formed. If the evidence shall satisfy you of the prisoner's guilt, you will discharge your duty to society and to your consciences, and the oaths you have taken, by fearlessly pronouncing your verdict accordingly; but, if the evidence shall fail to produce that reasonable conviction on your minds, God forbid that the scale of justice should be inclined against the prisoner by anything of prejudice that should be imported into such an inquiry as this! My duty, gentlemen, will be a simple one; it will be to lay before you the facts upon which the prosecution is founded. I ask your patient attention to them; they are somewhat of a complicated character,—they range over a considerable period of time, because it will be necessary, in order to understand this case, to go back into circumstances of a somewhat antecedent period; but this I may safely say, that in my conscience I believe there is not one single fact to which I am about to ask your patient attention that has not immediate and most important bearings on the case.

Gentlemen, the prisoner at the bar, William Palmer, was by profession a medical practitioner. He carried on that profession at the town of Rugeley, in Staffordshire, and did so for several years. In later years, however, he became addicted to turf pursuits, which greatly drew off his attention and weaned him from his profession. During the last two or three years, I am informed, he had made over his business, except one or two patients immediately connected with himself, to a person of the name of Thirlby, who had formerly been his assistant; and who is now carrying on, in addition to the business of Palmer, the business of a chemist and druggist in Rugeley. I believe Palmer's name was still ostensibly kept up, but the business had previously been transferred to Thirlby, and Palmer himself had ceased to practise.

In the course of the pursuits connected with the turf he became intimate with the man whose death forms the subject-matter of this inquiry—Mr. Parsons Cook. Now Mr. Cook was a young man of decent family, who had originally been brought up or intended for the profession of the law; he was articled to a solicitor, but after a time inheriting some property, to the extent, I think, of 12,000*l.* or 15,000*l.*, had become disinclined to a laborious profession, and betook himself also to the turf. He kept race-horses and he betted considerably; and in the course of those pursuits became much connected and familiarly intimate with the prisoner William Palmer. It is for the murder of this Mr. Parsons Cook that the prisoner stands indicted on the present occasion, for the charge against him is that he took away that man's life by poison.

Gentlemen, it will be necessary to show you the circumstances in which the prisoner

William Palmer was then placed, and the position in which he stood relatively to the deceased Mr. Cook; it will be impossible thoroughly to understand this case in all its bearings without those circumstances being detailed to you; and it will be necessary therefore that I should bring them particularly to your attention. The ease which, on the part of the prosecution, I have to urge against Palmer, is this,—that being in desperate circumstances, with ruin, disgrace, and punishment staring him in the face, which could only be averted by means of money, he took advantage of his intimacy with Mr. Cook, when Mr. Cook had become the owner of a considerable sum, to destroy him in order to obtain possession of that sum. At the Shrewsbury races in 1855 Mr. Cook was the owner of a considerable sum of money, as I have said before. At that time Palmer was a ruined man, and it is immediately after these races that the transaction which you are to inquire into is alleged to have taken place. Now I shall first proceed to show you what was the position of Palmer at that time, because out of that position, and the circumstances in which Palmer was then placed, spring as we say the motives which induced him to commit this heinous crime. If I show upon evidence which can leave no reasonable doubt on your minds that he committed the crime, motive becomes a matter of secondary importance; nevertheless in an inquiry of this kind it is natural, and it is right, to look to see what may have been the motive by which a man has been impelled to crime. If we find strong motives, the more readily should we be led to believe in the probability of crime having been committed. If we find a total absence of motive, the probability is the other way. In this case the motive will be matter of very serious consideration; and as the circumstances out of which we say the motive arises in this case come first in the order of time, I will deal with them first, before I come to that which is the more immediate subject-matter of our inquiry. It seems to me more convenient to follow the chronological order of events, and I therefore will pursue that course.

Gentlemen, it seems that as early as the year 1853 Palmer had got into pecuniary difficulties—he began to raise money on bills. In the year 1854 his circumstances became worse, and he was at that time indebted to different persons in a large sum of money, and he then had recourse to an expedient which it will be necessary that I should bring before you because it has an important bearing on this case. But here, gentlemen, I am anxious to make a preliminary observation. It will become necessary for me to detail to you transactions involving fraud, and, what is worse, forgery,—circumstances and transactions reflecting the greatest discredit on those connected with them. I am anxious, while I feel it absolutely necessary for the elucidation of truth here that these circumstances should be brought before you, yet that they should not have more than their fair and legitimate effect. You must not allow them to prejudice your minds against the prisoner with reference to that which is the real matter of inquiry here to-day. I cannot avoid bringing them forward, but I would anxiously caution you and pray you not to allow any prejudice created by the history of these transactions to operate unfairly to this man's prejudice. A man may be guilty of fraud, he may be guilty of forgery; it does not follow he should be guilty of murder. Among the bills on which Palmer raised money in the course of the year 1854, was a bill for 2000*l.*, which he discounted with Mr. Padwick. That bill bore upon it the acceptance of Palmer's mother, Mrs. Sarah Palmer; she was a woman and is a woman of considerable wealth; and her acceptance being believed to be genuine was a security on which money would be readily advanced. He forged that acceptance, and got money upon it; and that was, if not the beginning, at least one of the early transactions of that nature—for there are a large series of them—in which money was obtained by bills discounted by Palmer, with his mother's acceptances forged upon them. I shall show you how by and by, that when that reached its climax it involved him in a state of such peril and emergency, that—as we suggest, but it is for you to form your own conclusions—he had recourse to a desperate expedient in order to avoid the consequences which seemed imminently impending over him. He owed in the year 1854 a very large sum of money; on the 29th of September in that year his wife died; he had an insurance on her life to the amount of 13,000*l.*, and the proceeds of that insurance were realized, and with the 13,000*l.* he paid off some of his most pressing liabilities. He employed, for the purpose, with regard to a portion of those liabilities, a gentleman of the name of Pratt, a solicitor in London, who is in the habit of discounting bills, and whose name will be largely mixed up with the subsequent transactions I shall have to detail to you. Mr. Pratt received for him a sum of 8000*l.* and disposed of it in the payment of various liabilities on bills which were in the hands of clients of Mr. Pratt's. Mr. Wright, a solicitor of Birmingham, who had also advanced money to the prisoner, received 5000*l.* more, and thus 13,000*l.* of debt was disposed of; but that still left Palmer with considerable liabilities, and, among others, the bill which I have mentioned of 2000*l.* discounted by Mr. Padwick, remained unpaid.

This brings us to the close of the year 1854. In the course of that year he effected



another insurance in his brother's name, but Palmer was a party to it, and corresponded with Mr. Pratt on the subject of effecting that insurance; and the policy for 13,000*l.*, immediately it was effected, was assigned to Palmer. On the strength of that policy, which remained in the hands of Mr. Pratt, who paid the first premium out of a bill which he discounted for Palmer at the rate of 60 per cent., they proceeded to discount further bills, this policy being kept as a collateral security. The bills in the whole amounted to 12,500*l.* discounted in the course of that year. I find that there were two discounted as early as June, 1854, which were held over from month to month to keep these bills alive. In March, 1855, two bills of 2000*l.* each were discounted, with the proceeds of which Palmer bought two race-horses, called Nettle and Chicken; the names of which you will hear of again in the course of this narrative. These bills were renewed in June; they became due on the 28th of September and 2nd of October: they were then renewed again, and became due on the 1st and 5th of January, 1856. On the 18th of April, 1855, a bill was discounted for 2000*l.* at three months, which became due on the 22nd of July, and was renewed so as to become due on the 27th of October. On the 23rd of July a bill for 2000*l.*, at three months, was discounted, which became due on the 25th of October. On the 9th of July a bill for 2000*l.*, at three months, was drawn; that was renewed on the 12th of October, and became due on the 12th of January. On the 27th of September a bill for 1000*l.* was done at three months, the proceeds of which went to pay the renewal on the two bills of 2000*l.* of March due in September, and the bill of the 23rd of July which became due on the 12th of October. So that the account stood thus:—in the month of November, when the Shrewsbury races took place, and that pressure was put on the prisoner to which I am about to advert, there was in Mr. Pratt's hands a bill due on the 23rd of October for 2000*l.*, another due on the 27th of October for 2000*l.*, two bills due on the 9th of November which together made 1500*l.*, a bill due the 10th of December for 1000*l.*, one on the 1st of January for 2000*l.*, on the 5th of January for 2000*l.*, and on the 18th of January 2000*l.*: making in the whole 12,500*l.* But it seemed in July he contrived to pay 1000*l.*, therefore there remained due at this period in the month of November 11,500*l.*, and every one of these bills bore the forged acceptance of the prisoner's mother. You will therefore understand the pressure which naturally and necessarily arose upon him, the pressure on the liabilities of 11,500*l.*, which he had not a shilling in the world to meet, and the still greater pressure which arose from the consciousness that the moment he could no longer go on—that his mother should be resorted to for payment—the fact of his having committed these forgeries would at once become manifest and known, and would bring on him the penalty of the law for that crime so committed.

Now in these transactions the deceased Mr. Cook had been but only partially interested. I should mention, however, before I go into the further history of the case, that the prisoner's brother died in the month of August, 1855. The life had been insured, and the policy assigned to the prisoner for 13,000*l.*, and he of course expected that the proceeds of that insurance would pay off these liabilities. But, as I shall show you presently, the office in which the insurance had been effected declined to pay, and consequently there was no assistance to be derived from that source.

Gentlemen, I was about to say that Mr. Cook had been, to a certain extent, but only to a very limited extent, mixed up with the prisoner in these pecuniary transactions to which I have been adverting. It seems that in the month of May, 1855, Palmer was pressed to pay a sum of 500*l.* to a person of the name of Serjeant, I believe, on a bill transaction. He had in the hands of Mr. Pratt at that time, arising from these bill transactions, a balance of 310*l.* to his credit; and he wanted Mr. Pratt to advance the 190*l.* necessary to make up the 500*l.* Mr. Pratt declined to do that except on security, on which Palmer offered him the acceptance of Mr. Cook, representing Mr. Cook to be a man of substance and of good security; and accordingly the acceptance of Mr. Cook for 200*l.* was sent up, and on that Mr. Pratt advanced the money. I believe this was the first transaction of the kind with Mr. Cook. I do not know it has any immediate bearing on the subject, further than this, that I am anxious, as far as I know, to lay before you all the circumstances which show the relation between Palmer and Cook. That bill of 200*l.*, when it became due, Palmer failed to provide for, and Mr. Cook had to provide for it himself, which he did, and the bill was paid, after having first been dishonoured. Then in the August of that year a transaction took place, to which again it will be necessary that I should call your particular attention; in the August of that year, 1855, Palmer writes to Mr. Pratt he must have 1000*l.* more on the next Saturday. Mr. Pratt declined to advance the 1000*l.* without security, on which Mr. Palmer offered the security of Mr. Cook's acceptance for 500*l.*, representing him as a man of means and wealth; but Mr. Pratt still declined to advance the money without some more tangible security than the mere personal security of Mr. Cook's acceptance. Now Palmer.

represented this as a transaction in which Mr. Cook required the money, and it may be that never was the fact. I have no means of ascertaining now how that stood, but I will give him the credit to suppose it was true, and that it was a transaction in which he had the acquiescence of Mr. Cook for the proposals he was making to Mr. Pratt. Mr. Cook was engaged upon the turf, sometimes winning, sometimes losing; purchasing horses, it may perfectly well be at that time he required this loan of 500*l.* as represented by Palmer. Mr. Pratt, as I said before, declined to advance the money except upon more available security, upon which Palmer proposed an assignment by Mr. Cook of two race-horses belonging to Mr. Cook; the one called Polestar, the horse that afterwards won at Shrewsbury races, and the other called Sirius; and an assignment was accordingly prepared: this assignment was afterwards executed by Mr. Cook, in favour of Mr. Pratt, as a collateral security for this sum of 500*l.* Now that being so, on this representation Mr. Cook was entitled to the money, that is to say, to so much money as could be realised upon the security. The whole of that 500*l.* was not to be paid on the terms on which Mr. Pratt advanced money; the arrangement was that Mr. Pratt should give for the acceptance of 500*l.* at three months, and the assignment of these two horses, a sum of 375*l.* in money, a wine-warrant for 65*l.* (of course, I need not tell you, never realised), discount for three months on the amount for which it was nominally given, 50*l.*, and expenses 10*l.*, making in the whole 500*l.* Now at all events Mr. Cook was entitled to the 375*l.* in cash, and the wine-warrant for 65*l.* Palmer contrived that the cheque and the wine-warrant should be sent to him, and not sent to Mr. Cook; he wrote to Mr. Pratt, desiring that Mr. Pratt would forward them to him at the Post-office, Doncaster, as he was there to see Mr. Cook. He was not to see Mr. Cook there, for Mr. Cook was not there; but by these means Palmer got the cheque and the wine-warrant into his own hands. Mr. Pratt sent down this cheque, which was on his banker's in London, in this form:—sending it to a man in the country, he sent it on a stamp, as the Act of Parliament requires. He affixed to the face of the cheque a receipt stamp, and availed himself of the opportunity now afforded by the law, of striking out the word “bearer,” and writing “order.” The effect of this was, as you are all no doubt aware, to necessitate the endorsement of Mr. Cook upon the back of the cheque or order. It was not intended by Palmer that these proceeds should find their way into Mr. Cook's hands, and accordingly he forged the name of “John Parsons Cook” on the back of that cheque. He then paid the cheque into his banker's at Rugeley: the proceeds were realised, paid by the bankers in London, and went to the credit of Palmer, who had the advantage of the cash. Mr. Cook never had the money, and you will see that about the period to which I am referring, when Mr. Cook came to his end, this bill, which was a bill at three months, in respect of these transactions of September 10, was becoming due—it would be due in the course of ten days; and when it became due it would appear Palmer had had the money, and that, in order to get the money which ought to have come to Mr. Cook, he had forged the endorsement of Mr. Cook on this cheque.

Gentlemen, I wish this was the only transaction in which Mr. Cook had been mixed up with the prisoner Palmer; but there is another to which it is necessary to refer. In the September of 1855, Palmer's brother having died, but the profits of the insurance not having been realized, he induced a person of the name of Bates to propose his life to be insured, or rather he induced Bates to do this. He had succeeded in raising money on former insurances, and I have no doubt he pressed or induced Mr. Cook to assist him in this transaction with the view to enable him, by representing Bates as a man of substance and worth, and producing a policy on Bates's life, to get further advances for the collateral security on that policy. I put it no higher, and do not suppose Mr. Cook would have been a party to any other transaction; but it seems on the 5th of September, Mr. Bates, the prisoner, and Mr. Cook were together at Rugeley; Mr. Bates was a person who had before been better off in the world, but who had fallen into decay, and who had been compelled to accept employment from Palmer in the shape of a sort of superintendent of his stables. He was a hanger-on of Palmer's, working in his stables, though in rather a better position; but the man had run through everything, and had nothing left; he was a healthy young man, and Palmer proposed to him to insure his life, and produced that common form of a proposal which we are all familiar with. Mr. Bates said, “No, I do not want to insure my life,” and declined the notion of such a thing. Palmer pressed him, and Mr. Cook interposed and said, “You had better do it; it will be for your benefit; you are quite safe with Palmer;” and they pressed him to sign the proposal for this insurance for no less a sum than 25,000*l.*, Cook attesting this proposal, which Palmer filled in, referring to Palmer as the medical attendant, and referring to his assistant Thirlby as the referee and friend who was to speak to this man's habits; and these proposals were sent up, I think, to the Solicitors' and General Office. That office not being disposed to effect this insurance, they then sent up another for 10,000*l.* to the Midland



Office on the same life of Bates: in each case further information was required as to the position of this man; and then, instead of it turning out that he was a gentleman of responsibility and means, it turned out that he was a mere person in the establishment of Palmer. The office was not satisfied, and the thing dropped.

Lord CAMPBELL.—Whatever you have yet stated bears on the question the jury are to try, and I suppose this will have the same tendency.

*The Attorney-General.*—If your Lordship will trust to me, I will take care not to state anything that is not important.

Lord CAMPBELL.—By our law we cannot allow one crime to show the possibility of another, but whatever may bear on the charge to be tried is strictly admissible.

*The Attorney-General.*—I trust your Lordship will give me credit for the greatest anxiety not to bring forward anything unimportant, but this seems to me matter which may have a most important bearing by and by.

Gentlemen, that failed; and no money could be obtained on the security of that policy; it may be important in more ways than one, but it is important in this respect, that it shows the desperate straits in a pecuniary point of view into which the prisoner had at that time come.

Now that failing, we go back for a moment to the insurance on the brother's life, and I find by the correspondence which took place between Palmer and Mr. Pratt, which will be produced to you, that Mr. Pratt at this time, having applied to the office at which the insurance on the brother's life—Walter Palmer—had been effected, found a difficulty in getting the money, and thereupon began to press Palmer for immediate payment of his bills. Having the correspondence before me, I will refer you to the letter of the 10th of September, to which I called your attention just now; and before reading these letters I will state that which I will by and by prove,—that he had the postmaster at Rugeley completely under his influence, and that the letters addressed to his mother were intercepted in the Post-office and handed over to him.

[The learned Attorney-General then read extracts from various letters dated in September and October, passing between Palmer and Mr. Pratt, showing the manner in which Mr. Pratt was pressing Palmer for the payment of various overdue bills and the interest arising upon them.]

Gentlemen, on the 6th of November two writs were issued for 4000*l.*, one against Palmer himself, the other against his mother. But Mr. Pratt writes to him on the 6th November to say he has sent the writs to Mr. Crabb, but that they should not be served until he sent further directions, and he strongly urges him to make good arrangements, and also to come up and make an arrangement as to a bill for 1500*l.* which was coming due on the 9th of the month. On the 10th of November, the day on which he said in a former letter he would delay the service of the writs to, Palmer went up and paid a sum of 300*l.*; he had paid before two sums of 250*l.*, one personally, and one acknowledged by Mr. Pratt, and which three sums made up a sum of 800*l.* Mr. Pratt deducted from this 200*l.* for two months' discount, and that left 600*l.* to the credit of the first bill coming due, which was a bill of the 25th of October; that left therefore 1400*l.* of the 2000*l.* bill still payable. On the 13th of November, which is a very important day, for it is the day on which Polestar won at Shrewsbury, he writes a letter referring to the Prince of Wales policy, and said steps would be taken to enforce it. That, gentlemen, was the state of things in which he was placed at the period of the last letter, dated the 13th of November, and you will find from this correspondence that Mr. Pratt, who was the agent through whom this bill had been discounted, held at that time 12,500*l.* of bills in his hand, minus the 600*l.* to which I have adverted, and which had been paid off on this, leaving also about 10,000*l.* of bills, the whole of which bore the forged acceptances of Palmer's mother, acceptances either forged by him or by some one at his desire, and for which therefore he was criminally responsible; and you find that, the Prince of Wales Office declining to pay the sum for which the brother's life had been insured, the 13,000*l.*, Mr. Pratt, who held that policy as a collateral security, could no longer go on, would not have been justified in further renewing these bills; and therefore had issued writs against the mother, which were forthwith to be served in case Palmer did not find the means of at all events paying off a portion, and enabling Mr. Pratt to justify himself to his clients in withholding further legal proceedings.

Now this being the state of things, we come to the events connected with the races at Shrewsbury. Mr. Cook was the owner, as you are now aware, of a mare called Polestar, and she was entered for the Shrewsbury handicap. She was very advantageously weighted, and Cook believed that the mare would win, and he betted (for him) largely upon that event. The race was run on the 13th of November, the very day on which the last letter was written, which would reach Palmer on the next day, the 14th; and

the result of the race was this,—Polestar winning, Cook was entitled in the first place to the stakes. Those stakes amounted to 424*l.*, but of course subject to certain deductions, leaving a net sum of 381*l.* 19*s.* to the credit of Cook. He had also betted largely upon the race, partly for himself, and I am told partly on commission. The result was his betting-book showed a winning which amounted together with the stakes to 2050*l.* He had been during the previous week at the Worcester races, and I shall show at Shrewsbury he had in his pocket, besides the stakes which he was entitled to receive in London, and that sum he would be entitled to be paid at Tattersall's at the settling—he had in his pocket a sum of between 700*l.* and 800*l.* at Shrewsbury. The stakes he would receive through Messrs. Wetherby, the great racing agents in London, with whom he kept an account, as many betting men do. The stakes would be sent up in the ordinary course of things to Messrs. Wetherby, and Mr. Cook would be entitled to draw on Messrs. Wetherby for the amount. He received many of his bets on the course, and had a sum of 700*l.* or 800*l.* in his pocket. This race being run on the Monday, he would be entitled on the ensuing Monday to receive his bets at Tattersall's, which amounted, as we shall afterwards find, to 1020*l.*

Now within a week of that time Mr. Cook died, and the important inquiry of to-day is how he came by his death; whether by natural means, or whether by the hand of man; and if the latter, by whose hand?

Gentlemen, I must tell you first the state of health in which he was at the time he went down to Shrewsbury; it will be very important in the course of this inquiry. He was a young man about twenty-eight when he died, slightly disposed to pulmonary complaints; delicate in that respect, but otherwise a hale and hearty young man. He had been in the habit from time to time, I believe more especially with reference to his chest, of consulting a physician in London of the name of Dr. Savage, whom I shall call before you, who saw him within a fortnight of his death, and who will tell you the condition in which he was. On various occasions from time to time he consulted Dr. Savage, and he then came to him in the May of 1855. It seems he was at that time a little anxious about the state of his throat. He was suffering with a complaint in his throat, and there were one or two slight eruptions or sores about the mouth, and one or two spots, and he came to consult Dr. Savage. It seemed he had been taking mercury for those sores, mistaking the character of the complaint; Dr. Savage at once saw that was a mistake, desired him to discontinue the mercury, put him under a course of tonics, saw him several times, found an improvement rapidly take place, and this inconvenience disappeared; but inasmuch as this mode of treatment involved important consequences in which Dr. Savage might be mistaken, he did cause him to come to him from time to time that he might see how he was going on, and whether he took a right view and adopted a proper course of treatment; and as lately as within a fortnight of Mr. Cook's death, before he left London, he went to see Dr. Savage, and Dr. Savage examined his throat, and examined him carefully, and will be prepared to tell you at that time there was nothing on earth the matter with him, except that he had a slight thickening of some of the organs of the throat, but nothing which could affect in the slightest degree the general character of his health. As to the notion of his having an ulcerated sore throat, the thing was out of the question. Dr. Savage subjected him to a minute and careful examination, and will tell you most positively there was nothing the matter with the man. Dr. Savage, however, who loved the young man, having seen him frequently, and taken an interest in him, was most anxious to get him off the turf, and out of the hands of evil companions, and he told him there was nothing the matter with him, that his chest was delicate, and advised him to go abroad for a couple of years, not believing it was necessary he should do so, but thinking it was a good ground on which to put it, to get him to break off these habits, and which there is strong reason to believe Cook meditated.

Gentlemen, having seen Dr. Savage, he went to the Shrewsbury races, and, as I have told you, his horse won. After the race he was naturally excited, as a man would be who had got to a low ebb with regard to his pecuniary affairs—he was rejoiced his mare had won, especially as it brought him a considerable amount of money, and he was more or less excited, as a man might naturally be under those circumstances. He asked various friends to dine with him to celebrate the event. They met at the Raven hotel, and had two or three bottles of champagne. I am told it will be said he became the worse for liquor on that occasion. There is not the slightest foundation for the suggestion. He was an abstemious man at all times. On this occasion he may have taken a glass or two of champagne to celebrate the event at which he rejoiced—that was all. He went to bed with nothing the matter with him, got up the next day and went on the course as usual. That night, the night of the 14th of November, a remarkable incident happened, to which I beg to call your attention. A friend of his, a Mr. Fisher, occupied



a room at the Raven with a Mr. Herring, both of them being sporting men. Mr. Fisher, in addition to being a sporting man, does agency in the way of receiving the winnings of persons who have won on the turf. He was agent for Cook, and from time to time received Cook's bets on the settling day at Tattersall's. Fisher, with a person of the name of Herring, was at the Shrewsbury races, and they occupied the next room to that occupied by Palmer and Cook, for Palmer and Cook had gone together from Rugeley to the races at Shrewsbury. Late in the evening Fisher, who had been invited by Cook to come and have a glass of brandy-and-water in his room, went into the room in which Palmer and Cook were, and found them sitting at conversation at a table, Cook having a tumbler half-full of brandy-and-water before him. Fisher went in and sat down, and Cook invited him to have something to drink, at the same time saying to Palmer, "You will have some more?" "No," says Palmer, "not unless you finish your glass." On which Cook said, "That is soon done." He took up his glass half-full of brandy-and-water, and tossed it off at one gulp, leaving a teaspoonful at the bottom of the tumbler. He had scarcely swallowed it when he said, "Good God! there is something in it that burns my throat." Palmer took up the glass and drank what remained and said, "There is nothing in it." Pushing the glass to Fisher and to Read, who came in at the moment, he said, "Cook fancies there is something in the brandy-and-water; taste it." On which they said, "It is very easy to say taste it, but you have left none." Within a few minutes Cook suddenly left the room. He returned after a few minutes and called Fisher out, and told him he was taken violently ill. Fisher went out with him. He was then taken with violent vomitings. After a little while he was so bad that it was necessary to take him to bed. He was taken to bed, and vomited then again and again in the most violent way. It became necessary to send for a medical man. These vomitings continued for a couple of hours, the man retching with the greatest violence; the medical gentleman proposed an emetic, which the prisoner would not hear of. They got him warm water, put a tooth-brush to his throat to make him eject what he had taken. However, there was no occasion for that, for the vomiting went on. After that, some stimulants were given to him, some comforting matter, and after that a pill and a purgative dose. After about two or three hours he became more tranquil, and about two or three o'clock he fell asleep and slept till the next morning. Such was the state of the man's feeling at that time; I cannot tell you what passed, because that is not evidence, but I can state this fact: he gave to Fisher the money he had about him, desiring him to take care of it, and Fisher will tell you the money amounted to between 700*l.* and 800*l.* in a large roll of notes, so that we have by that means the opportunity of getting at the sum which at that time he had about him personally.

The next morning, after having passed a more tranquil night, he was better. After a short time he got up and went out on the course, feeling himself better. He saw Fisher, and Fisher gave him back his notes, which he had, therefore, as we prove, on the Thursday morning. The next day, on the Thursday morning, he was out, looking and feeling very ill, but the vomiting having ceased. On that day a horse of the prisoner's ran at Shrewsbury called Chieken. He had backed that horse heavily, and the horse lost. I will show when Palmer went to Shrewsbury he had no money, and he was reduced to the necessity of borrowing 25*l.* in order to get to Shrewsbury. His horse lost, and he lost bets on the race. After this he and Cook left Shrewsbury and returned to Rugeley, Cook going to the Talbot Arms, an hotel at Rugeley, which is exactly opposite to the prisoner's house, which is on the opposite side of the street, and there Cook took up his abode.

Now, gentlemen, there is one incident connected with this Shrewsbury part of the story, to which before I quit Shrewsbury it is necessary I should call your particular attention. I have stated to you that this happened on the night of the Wednesday, how Cook having taken this glass of brandy-and-water was suddenly taken ill and remained ill for several days. On the same night, shortly before this time, a woman of the name of Mrs. Brooks had occasion to see Palmer at the Raven Hotel. She knew he was staying there. She is I am told a remarkable person; remarkable in this respect, that though a female she is connected with the turf—she bets on commission. She has at her disposal an establishment of jockeys for whom she acts as a sort of register, and for whom she makes engagements. The prisoner's horse was to run the next day; and she came on that night to speak to him about a jockey whom he wanted to employ to ride his horse. She came up stairs somewhere about eleven o'clock, and turned into a lobby into which Palmer's room opened. As she turned into the lobby she saw Palmer, whom she knew perfectly well, holding up a tumbler to the light of the gas which was burning in the passage, looking at it with the caution of a man who was watching to see what was the condition of the liquid. Having looked at it through the gaslight he withdrew to his own room, and presently returned with the glass in his hand, and then went into the

room where Cook was, and in which room Cook drank the brandy-and-water from which I dare say you will be disposed to infer that his sickness was occasioned.

Now, gentlemen, I do not allege it was by means of anything which caused his sickness that his death was occasioned, but I will show you throughout the ensuing days at Rugeley that he constantly received things from the prisoner's hands, and that during those days Cook's sickness was perpetually going on. I will show you that after he died antimony was found in the tissues of his body, and antimony was found in his blood. Antimony administered in its usual state as a tartarie emetic is one of the greatest irritants that can be introduced into the stomach, and if taken must cause great sickness: but it was not that of which this man died. The charge is that he was killed—having been prepared for the reception of the poison by antimony—that he was killed by strychnine; and before I introduce to you the scenes which took place at Rugeley, which I shall have to detail to you, let me give you some information with regard to the character of the poison.

You have heard, I dare say, of the vegetable product known by the term of *nux vomica*. In that nut or bean there resides a fatal poison capable of being extracted from it by the skill and operations of man; of this the most minute quantity is fatal to animal life: from half a grain to three-quarters of a grain will destroy life. You may imagine, therefore, how minute is the dose that will prove fatal. It acts immediately on the nerves and muscles and motion of the human body. In the human organization the nervous system may be divided into two main parts—the nerves of sensation, by which the consciousness of all external sensation is conveyed to the brain; and the nerves of motion, which are, as it were, the intermediate agents between the intellectual power of man and the physical action which arises from his organization. Those are the two branches, having their seat, or rather their origin, in the immediate vicinity of man's intellectual existence. They are entirely distinct throughout the whole of their ramifications; and the one set of nerves may be affected while the others are left undisturbed. You may paralyze the nerves of sensation and you may leave the nerves which act on the voluntary muscles, the muscles of movement will be unaffected; or you may reverse the situation of things and affect the nerves of volition, leaving the nerves of sensation totally undisturbed. Strychnia, it appears, affects the nerves which act on the voluntary muscles and leaves wholly untouched the nerves on which human consciousness depends, and it is important to bear in mind this distinction. Some poisons, as you know, overpower the consciousness of man and produce a total absence of all sensation, and so terminate in death; but the poison to which I am referring affects the voluntary action of the muscles of the body, leaving altogether unimpaired the consciousness at that time. Now the way in which, acting on the voluntary muscles, strychnia is fatal to life is this: it produces the most intense excitement of all these muscles, violent convulsions take place, spasms which affect the whole muscles of the body; these, after a series of convulsive throes, end in rigidity—all the muscles become, after fearful cramps, fixed, and especially the respiratory muscles, within which the lungs have their play, are fixed with rigidity. By that means respiration is prevented and death necessarily ensues. The symptoms are known to medical men under the term of *tetanus*, that is to say, convulsive motion of the muscles. Under that form of tetanus you have the utmost rigidity produced—convulsions followed by rigidity, the legs distended, the feet curved out of their natural position, the muscles of the chest fixed, the muscles of the back, which hold the head in its erect position, forced back by the intensity of their excited retention, the head is thrown back, and the body assumes the form of a bow, resting on the back of the head and the heels. That is the form in which death arises from strychnia. It is at the same time right to say that *tetanus*, producing death, arises from other causes as well as strychnia; but there are characteristic differences which, I believe, prevent the possibility of a mistake to those who are connected with this department of science. There is what is called traumatic *tetanus*, from the Greek word *Trauma*, signifying a wound. You have often heard of lock-jaw arising from a cut, or the ulceration of some part of the body. There is also what is called idiopathic *tetanus*, which, as arising from disease, generally from sudden chill, produces this state of rigour of the muscular system; but there is the most marked difference between them.

Gentlemen, I have reason to believe that an attempt will be made, when I have shown you the symptoms which attended this man's death, to confound these different classes of disease. Therefore it is in the outset, before I introduce the symptoms that attended this man's death, necessary to distinguish between these classes of cases; and the marked distinction is this:—In the first place, with regard to idiopathic *tetanus*, it is hardly ever known in this country to prove fatal. The instances are extremely rare. In hotter climates it is a form of death not unfrequent. In this country it not unfrequently happens, but death resulting from it is almost unusual occurrence. Traumatic *tetanus* is a



thing of more frequent occurrence. There are very few medical practitioners who have not heard of such cases, and few hospitals in which such cases do not occur. With regard to traumatic tetanus, in this case that is out of the question, because I shall show you a fortnight before his death this young man had nothing the matter with him. I shall show you, at the time of his death and after his death, there was nothing throughout his whole system in the shape of a wound, the only thing which could have produced from external causes traumatic tetanus. If it be suggested this may have been a form of idiopathic tetanus, the answer will be this—there is this distinction between the known form of tetanus and the tetanus which arises from strychnia. In the cases of idiopathic and traumatic tetanus—in the natural tetanus, the tetanus from wounds—the disease comes on with milder symptoms at first, gradually progressing towards the development and the final completion of the disease, but always without intermission. When once it has begun—though as in every other disease, as we know, the paroxysms will be from time to time more or less intense, and as still from the commencement to the close the paroxysms continue their course as human diseases usually do, from the milder form, from the commencement to the more aggravated form and condition on to the end—that is not so in tetanus from strychnia; that comes on in paroxysms which may subside for a time and be renewed. But there is this further and more striking and remarkable difference. In the case of tetanus of idiopathic or traumatic cases, the disease necessarily occupies a considerable number of hours, sometimes two or three days, at all events twenty-four or twelve hours. I believe there is hardly even an instance known in which it was so small a time as eight or nine hours; but here we are dealing with a case not of hours, but of minutes, in which there is no continuing of the disease, and to the gradual development of its climax, till its end. But in this the paroxysms came on, as they do by strychnia, with all their power and force from the commencement, and, after a few short minutes and a few fearful struggles, the agony terminates in the dissolution of the victim. That is the distinction, and, having drawn your attention to this distinction, I will now proceed to tell you what took place at Rugeley. There is, however, this observation of which my friend reminds me. Mr. Palmer was a medical man, understanding the use of strychnia and its effects. It had not escaped his attention. I have a book before me which was found at his house after his arrest. It is a book called 'The Manual for Students preparing for Examination at Apothecaries' Hall,' and I find written on the first page of it, in his own handwriting, "Strychnia kills by causing tetanic fixing of the respiratory muscles." I do not want to attach more importance to that than it deserves. All knowledge relating to poisons is legitimately belonging to the department of science which he professes, and there is nothing in the fact that in any book belonging to him a note should be found relating to this poison. I use that only to this extent—that the use of strychnia and its effect on human life had come to his particular and personal attention.

Gentlemen, I will add this while I am on the subject of strychnia. I shall produce before you a body of medical evidence to show you the distinction between the form of tetanus which may be called the natural form of tetanus, and tetanus resulting from the administration of strychnia. Happily, the cases in which death arises from strychnia are very rare. The experience of the medical profession has been limited on the subject; but it so happens there have been several cases in which the death of which the proximate cause was tetanus was, beyond all possibility of doubt, traced to the administration, accidentally or otherwise, of strychnia. I will have the medical men before you, before this case is over, who attended the different cases of death from strychnia. I have a body of medical testimony to show you what is the form of death and the symptoms of appearance of tetanus arising from natural causes or from external injury; and you will find that the symptoms and the appearances which I am about to detail to you are exactly those of the deaths which have taken place from strychnia, and have the characteristic difference to which I have just now adverted, as distinguishing them from death arising from tetanus produced by the other means. With these observations, which I hope have not wearied you, I will now come to what took place after the arrival of these parties at Rugeley.

Gentlemen, they arrived there on the night of Thursday the 15th of November between the hours of 10 and 11. Cook, on being asked how he was, said he had been poorly at Shrewsbury; but it did not appear to the people at the inn that there was anything to indicate the presence of serious complaint, and he took some refreshment and went to bed. He got up the next morning and went out and dined that day with Palmer, came back to the inn, I think, about 10 o'clock that evening, perfectly sober, and went to bed. I call attention to this, because you will hear the account the prisoner gave of him the next day or the day after. He appeared to be well, and went to bed without anything to lead any one to suppose there was anything unusual the matter with him.

The next morning at an early hour Palmer was with him, and from that time, during the whole of Saturday and Sunday, he was constantly in attendance on him. He ordered him some coffee. Coffee was brought up by the chambermaid, Elizabeth Mills. It was taken into the room, given to the prisoner, and she left; Palmer, having received the coffee, gave it to the man, who was in bed, and had, therefore, an opportunity of dealing with it. Immediately after that the same symptoms set in which had taken place at Shrewsbury, and throughout the whole of that day and the next day the prisoner constantly administered everything to Cook. Cook is tormented with this incessant and troublesome vomiting. Toast-and-water was brought over that morning from Palmer's house, not made in the inn, where it might have been made, but it is brought over. About 11 or 12 o'clock a basin of broth was brought over. There might be nothing in that; but now mark the circumstances. It seems that Palmer desired a woman of the name of Rowley, who will be called before you, to go to an inn in Rugeley, the Albion, to get some broth. The woman got the broth, took it to Palmer's house, and put it in a saucepan on the kitchen fire to warm. She had something to do in the back kitchen, and went into the back kitchen—she saw no more of the broth, or Palmer, until Palmer, having poured it into a basin, brought it to her, told her to take it over to the Talbot Arms, and to tell any one to whom she might give it to take it up to Cook, and say Smith had sent it.

It seems there was a Mr. Jeremiah Smith, an intimate friend of Palmer's, whose name he used on this occasion; the broth was taken up to Mr. Cook, who tried to swallow a spoonful of it; it immediately made him sick, and he brought it off his stomach; the broth was taken down stairs again. After a little while the prisoner came across, and asked if Mr. Cook had had his broth; they said no; that he had tried to take it, but that it made him sick, and he could not keep it on his stomach. Palmer said he must take it; he went up stairs and desired the broth to be brought up again, and insisted on Cook taking some of it, which he did; the consequence was he immediately began to vomit again, and threw it off his stomach. Now of that broth, Elizabeth Mills, the chambermaid, when it had been taken down stairs in consequence of Mr. Cook's not being able to keep it on his stomach in the first instance, saying "it was very nice looking broth," took a couple of tablespoonfuls. Within half an hour of that time the woman was taken violently ill; vomiting came on, which lasted five or six hours; she was obliged to go to bed at 12 o'clock in the day; she could not get up till 5 or 6 in the afternoon; and in the course of that time she will tell you she vomited not less than twenty times; these being exactly the same symptoms which manifested themselves in Cook's person after he drank a glass of brandy-and-water at Shrewsbury. On this Saturday Mr. Bamford, who is a medical practitioner at Rugeley, was called in, and he went to see Mr. Cook at half-past 3; Palmer told him the man had a bilious attack, that he had dined with him the day before, and had drank too freely of champagne, which had disordered his stomach. On one or two occasions I shall show Palmer to have represented to Cook his suffering under bilious diarrhœa; he so spoke of his complaint at Shrewsbury, and to every one to whom he speaks or writes relating to Mr. Cook he represents the symptoms which appeared at Shrewsbury as being those of bilious diarrhœa. Now, I shall show you by a medical practitioner at Shrewsbury, and by Mr. Bamford, and by another medical man at Rugeley, that, while there was this vehement vomiting on both occasions, there was not a single bilious symptom at any time. Mr. Bamford comes in at half-past 3; he finds Mr. Cook suffering from violent vomiting; and he states the stomach was in so irritable a state that it would not retain a tablespoonful of anything; he naturally tried to see what the symptoms could be which might lead him to form a notion as to the cause of these painful symptoms. He found to his surprise that the man's pulse was perfectly natural, only at 70, his tongue was quite clean, his skin was quite moist, there was not the slightest trace of fever, or any one of those symptoms which would be expected in a bilious attack. Having heard from Palmer that he ascribed it to an excess on the part of Mr. Cook in taking wine the day before, he said to Mr. Cook, "I understand you have taken wine, and that that is the cause of it." "Well," said Cook, "I suppose I must have done so; but it is very odd, I only took two glasses." This was said in Palmer's presence; so that it turned out the representation that Mr. Cook had taken an excess of champagne the day before was incorrect, for he had only taken a couple of glasses, which could hardly be supposed to occasion these consequences. Mr. Bamford prescribed some effervescing saline medicine. He saw Mr. Cook again that evening, when he found the sickness still continued; and I should state, after he went away the prisoner ordered more coffee for Mr. Cook. Coffee was brought up at 4 o'clock, and he vomited immediately; at 6 o'clock they took him up some barley-water; Palmer was not there, and it did not produce the usual vomiting; at 8 o'clock they took him up arrowroot; Palmer was there, the vomiting took place, and the arrowroot was brought up.



Gentlemen, these may be mere coincidences, nevertheless it is a fact worthy of attention that throughout the whole of that Saturday Palmer was constantly in and out, ministering to him a variety of things, and whenever he did administer anything to him sickness invariably ensued. That evening Mr. Bamford came again, and found the sickness still continuing; he prepared two opiate pills for him to quiet the action of the stomach. I will state the contents of those pills, that it may be understood what medicine he took; they consisted of half a grain of morphia, half a grain of calomel, and four grains of rhubarb. I pray your attention to the contents of those pills, because by-and-by you will see as I go on to the ensuing nights the great importance of attending to the ingredients of those pills. That takes us through Saturday, and leaves the man still suffering at the close of that day from the vomiting which had commenced in the morning.

Gentlemen, I now go to the Sunday. In the morning between 7 and 8 o'clock of that day, Mr. Bamford is fetched by Palmer to Mr. Cook, and finds the sickness continuing; but he finds to his surprise that no symptoms of bile made their appearance at all, and he was at a total loss to conjecture what could occasion this sickness. He changes the form of his medicine. He visits him again in the evening; he will tell you he saw what Mr. Cook brought up. He was constantly vomiting, but it was as clear as water, without the slightest appearance of bilious secretion. On the Sunday evening he sees him again, the sickness still going on, no fever, the skin moist and the tongue clean. He tried what the effect of pressure would be on the stomach or abdomen, and there was no pain. The excretions from the body were natural, and there were no symptoms of bile of any sort. That closes the Sunday, and we now come to a very important day, namely Monday the 19th.

Gentlemen, on the morning of Monday the 19th Palmer left Rugeley to go to London, and I will show you presently what he went to London for. On that morning before he left he came over early to the hotel, and he ordered a cup of coffee to be made for Mr. Cook; he took up the coffee himself and gave it to Mr. Cook, and Mr. Cook, as usual, vomited immediately after swallowing the coffee. After that Palmer left. Mr. Bamford came to the hotel, and found Mr. Cook still suffering from the vomiting; he gave him a new medicine, which consisted of half a drachm of henbane, three drachms of tincture of magnesia, and two of simple syrup, a quarter to be taken every three or four hours. Whether from the effect of that medicine, or whether it was that no longer anything was given to him which could cause the irritation under which he was before suffering, but from that time the greatest improvement manifested itself in Mr. Cook. Palmer was not present the whole of that day; he had gone to London. Mr. Cook throughout that day is better. Mr. Bamford goes about 12 or 1 o'clock, and finds a most marked improvement. Gentlemen, it might have been the result of the medicine; but the man is well comparatively, and Mr. Bamford recommends him to get up; he gets up, washes and dresses; he recovers his freshness and spirits, and sits up for several hours. Two persons of the name of Ashmole, jockeys, who knew him, came to inquire after him; they were admitted, went up and talked to him. His trainer, a person of the name of Saunders, came at 5 or 6 o'clock, was admitted, and found him in a comparatively good state. So he continued until night. He took in the mean time coffee and broth, and was enabled to keep them on his stomach; and so things continued until a late hour that evening. Palmer, as I told you, went to town on the Monday morning; and as I have considered it most convenient in this case to follow the order of events in strict chronological series, I will now interrupt the further inquiry of what passed afterwards at Rugeley, in order to follow Palmer through the events in which he was concerned on the Monday in London. He had written to a person of the name of Herring to meet him that day at a house in Beaufort Buildings. It seems that in Beaufort Buildings there is a boarding-house kept by a person of the name of Hawkes, which Palmer was in the habit of frequenting when he came to town; and he went there, making an appointment with Herring to meet him. As I have told you, Herring was a man upon the turf; he was one of those who had been to Shrewsbury, and who knew Mr. Cook, and who can speak to that part of the case as to Mr. Cook's illness at Shrewsbury. But the important part of Herring's evidence is what I am now about to narrate. On seeing Palmer he first inquired after Mr. Cook. Palmer said, "He is all right; his doctor has given him a dose of calomel, and as the weather is wet and cold he is not to come out to-day: what I want to see you about is settling his account."

The Monday, you will recollect I told you, was the settling-day at Tattersall's, and on that day it was necessary that Mr. Cook's bets which he had won should be realized. Now his usual agent for that purpose was Fisher, and the probability is, I cannot but think, that, if he sent up his account to be realized at Tattersall's that day by Palmer, he would desire Palmer if he did not go to Tattersall's himself to give it to the usual agent,

that the bets might be got in by him. Palmer was a defaulter at Tattersall's, and could not present himself there, but there was Fisher, who was the usual agent for that purpose. Herring, naturally enough, was surprised on hearing that he was to get in Mr. Cook's debts; but, however, he undertook to do so. Palmer produced a piece of paper which he said contained the list of the sums which Mr. Cook was entitled to receive, and he mentioned the names of the different persons of whom Mr. Cook had won money, with the sums which they were respectively liable to Mr. Cook for. Herring held out his hand to take the paper, upon which Palmer said, "I will not give you this, I will keep it myself; here is a bit of paper," tearing off a piece from a letter; "write down what I will read to you, I will keep this paper and it will be a check against you." He then dictated to him the names of different persons, with the sums for which they were liable, and then said, "How much do you make that come to?" upon which Herring said "1020*l*." "Very well," says Palmer, "then pay yourself 6*l*." I suppose there was some bet or something due to him or the commission. "Pay Shelley 30*l*.; if you see Bell, tell him Mr. Cook will pay him when he comes up on Thursday or Friday;" and then he says, "Deducting 30*l*., how much do you make that?"—"983*l*," says Herring. "Yes," says Palmer, "that is what he makes it; I will give you 16*l*., and that will make 1000*l*.; pay yourself for my bill 200*l*." That is a bill which he owed to Herring, which was overdue, and which it was necessary should be paid.—"Pay Mr. Padwick 350*l*., and pay Mr. Pratt 450*l*." I told you before I showed you from the correspondence how it was, and it had become absolutely necessary to avoid the issuing of the writs, or, at all events, their service upon his mother, and all the consequences which would ensue from the disclosure which must necessarily then take place. He now, out of the proceeds of Mr. Cook's bets, pays two bets at all events of his own: one of 200*l*. to Herring, and the other of 450*l*. to Pratt. With regard to Padwick's debt, the 350*l*. I am told was a bet which Padwick had won partly from Palmer and partly from Mr. Cook, but for which Padwick will say he looked to Palmer. There is a letter of Palmer promising to pay the amount; and you will recollect Padwick had him in a position in which, at any moment, if he failed to keep on good terms with him, he was in his power. Half of that 2000*l*. bill which had been discounted by Padwick as far back as 1854, upon a forged acceptance, was still unpaid; he had therefore an interest in pacifying Padwick and keeping him quiet; he was interested also in doing the same thing with regard to Pratt, and therefore he paid them those sums.

That is the state of things with regard to the disposition of the money realised for Mr. Cook at Tattersall's on the Monday. The way in which he desired it should be done was this: he desired Herring to send cheques to Pratt and Padwick, and he was so anxious about it that he begged him to send the cheques in the morning before he got to Tattersall's and had got in the amounts. Herring said, "No, I shall not do that, because I may not get the money." Palmer said, "It is all right, depend upon it you will get the money;" and, said he, "that money of Pratt's must be paid, because it is for a bill of sale on account of the mare,"—that is Polestar. That was not the fact, it was 450*l*. to be paid to Pratt to be written off the bill on which there was the forged acceptance, and on which Pratt had already issued the writs; and he had already engaged to pay it on the Saturday: we having now got to the following Monday. Palmer had two envelopes prepared, which he gave to Herring in which to send the cheques; however the man refused to do that or to pay until he had got the money. When this conversation had taken place, he then came to a settlement with Herring himself for some other small betting transactions. It seemed he owed Herring the balance of a betting transaction, 5*l*., which he proposed to pay him; he produced a 50*l*. note, but Herring could not give him the entire change, and gave him a 20*l*. cheque. I will show you, gentlemen, what became of that cheque. After that he says to him, "When you have done all that, send down word to me what you have done." Herring said, "Shall I send to you?" "Yes," he said, "to me or to Mr. Cook, it will be the same thing." Gentlemen, I shall prove to you before this case is over that the letters to Mr. Cook were intercepted, also through the instrumentality of Mr. Cheshire, the postmaster. Upon this Herring went to Tattersall's and got all the money, except a sum of 120*l*., which Mr. Morris paid Mr. Short; he owed 200*l*., and he paid 80*l*., leaving 110*l*. still unpaid. In consequence of this he did not pay Padwick the 350*l*., and wrote to Mr. Cook by that night's post to say so; but he paid the 450*l*. to Pratt. On that same day Palmer went to Pratt, paid him 20*l*. by the cheque of Herring which he had received from Herring, and 30*l*. in notes, making 50*l*., and he then drew up a memorandum applying those sums, together with 200*l*. which Mr. Fisher had advanced in consequence of the letter from Mr. Cook, upon the credit of the sums which Mr. Fisher would receive at Tattersall's, towards payment of his mother's acceptance due on the 25th of October, making altogether the sum of 1300*l*. So that you will see, gentlemen, by the payment of this 450*l*. and the 50*l*., making 500*l*., and the



200%. which he had paid on the Saturday preceeding, he stopped for a moment the pressure which was being put upon him by Mr. Pratt. He promised to make further payment in a very short time, Mr. Pratt urging it was absolutely necessary the matter should not be allowed to sleep, as there was no chance of getting anything from the insurance office at that time; and he makes a promise that he will in a few days make further remittances. And he goes down on the Monday afternoon to Rugeley, after having effected this transaction in the course of the day. He arrived at Rugeley on the Monday night about nine o'clock, and he proceeded to see Mr. Cook at the Talbot Arms, and from that hour until a late hour in the evening, ten or eleven o'clock, he was in and out of Mr. Cook's room. That night, after arriving at Rugeley, he went to a man of the name of Newton, the assistant of a surgeon there named Salt, and asked that man to give him some strychnia, and Newton gave him three grains of strychnia about nine o'clock, attaching no great importance to the fact of giving to a medical man a thing which is sometimes though rarely used in medical practice. Mr. Bamford had sent the same pills which he had given on the Saturday night and the Sunday night to the Talbot Arms to be taken by Mr. Cook, or rather he took them himself and left them with the housekeeper, by whom they were delivered to the maid, who took them up stairs and put them in the usual place where the medicine was usually put to be administered by Palmer, for Palmer came in evening after evening and administered the medicine which Mr. Cook was to take. Palmer was in and out there, and there is no doubt Mr. Cook took pills; it will be for you to say whether he took the pills prepared by Mr. Bamford, and which he had taken on the Saturday and Sunday night, or whether, as this accusation suggests, the prisoner substituted for the pills of Mr. Bamford some of his own concoction, in which strychnia was mixed. He left the man about eleven o'clock, or later than that, well and comfortable after the day; he had been considerably better from the morning; he was alone about twelve o'clock, when suddenly the women servants in the lower part of the house were alarmed by the most violent screams proceeding from Mr. Cook's room; they rushed up stairs, one of them went in, and they found him in a state of the greatest agony, screaming in the most fearful manner, shrieking murder, and calling upon Christ to save his soul; evidently in the most intense pain; he was convulsed; he could not keep his hands and arms quiet; he beat the bed convulsively with them, and his whole frame was in convulsions; all the time he was perfectly conscious, and begged Palmer might be sent for; one of the women ran across to fetch Palmer, who in a few minutes came; during the whole of the time the man's screams continued uninterruptedly, and the pain continued the same. The women will describe to you his symptoms; he was beating the bed violently, rolling about convulsively in every direction, screaming, as I have already mentioned; his eyes were starting out of his head. After these violent convulsions had lasted a short time, his arms and legs became perfectly rigid, his mouth appeared closed, and he was gasping for breath, and could hardly speak for want of it. Palmer came and found him in this condition; then he ran across for medicine; the man's condition still remained on his return the same. On his return Mr. Cook said, "Oh, dear! doctor, I shall die." "No my lad," he said, "you will not;" and he proceeded to give him an opiate mixture and a couple of pills. I can hardly suppose this medicine had the effect of removing the symptoms; the medicine was vomited and the pills were not; they were looked for in the utensil into which he vomited, but they were not found. Shortly after he became more tranquil, his arms were stiff, he called to the servants to rub them, they did so and found them cold; still by degrees these symptoms subsided, and the man became better.

Gentlemen, the medical men who will be called before you will tell you they have no doubt this was the tetanus of strychnia. The mode in which it showed itself coming on with the full violence of a paroxysm in the first instance, continuing as it did, is only to be ascribed in their opinion to strychnia taken in too infinite a quantity to take away life. I will make an observation presently on the inference which may be drawn from this state of things; I will not stop to do so at this moment, for we have more important events to deal with; enough that for the moment those symptoms abated; he became more tranquil; he seemed exhausted by what he had gone through, and Nature asserted her claim to rest and repose, and he began to doze and sleep. Palmer stayed with him for some time, then left him, went to his own house; and so things remained until the next day, Tuesday the 20th, the day of his death. On that morning Mr. Cook was found comparatively comfortable, although still retaining the most intense and vivid impression of what he had gone through the night before; he conversed with the chambermaid on the subject of his condition; the prisoner saw Mr. Bamford, and told him he did not wish to have Mr. Cook disturbed, that he was better comparatively, and that he had had a fit the night before. That same morning, between half-past 11 and 12 o'clock, there occurred an incident to which I beg your particular attention. On that

day the prisoner went to the shop of a Mr. Hawkins, a druggist at Rugeley; he had not dealt with Hawkins for two years before, for his former assistant, Thirlby, having set up in business as a chemist and druggist, Palmer had from that time dealt with him for the drugs and chemical compounds that he required. On this day he went to Hawkins's shop, and saw his assistant, a person of the name of Roberts; he produced a bill, and in the first place said he wanted two drachms of prussic acid. Whilst the prussic acid was being put up for him, a person of the name of Newton, the same man of whom, if you believe Newton, he had the strychnia the night before, came into the shop; on which the prisoner took him by the arm and said, "I have got something I want to say to you;" led him outside the door into the street, and began to talk to him about a very unimportant matter, namely, when his employer's son was about to go to the farm which he had recently taken in another part of the country; a matter in which, as far as we are aware, Palmer could have no possible interest. Having got Newton into the street, he stood in conversation with him until a person of the name of Bassington happened to come up: the latter two entered into conversation, and drew off a little on one side. As soon as they were engaged in full conversation, Palmer came back into Hawkins's shop and desired the assistant to put him up six grains of strychnia and a certain quantity of Batley's liquor of opium, for which he produced another bill. While these things were being put up, he stood in the doorway. Newton continued his conversation with Bassington, and did not come into the shop. When the things were ready the prisoner took them up, paid for them, and went away. Newton, who had come into the shop for some purpose, but who had been induced to go out of it by the prisoner drawing him out of it, came back, and, being struck with the fact of Palmer coming there, out of the passing curiosity which sometimes suggests itself to one's mind, inquired what it was Palmer had come there for, and was informed.

Now, gentlemen, I am bound to tell you with regard to Newton that there is this circumstance connected with his testimony. In the first instance, when examined before the jury, he stated only that part of the statement which refers to the Tuesday morning when the prisoner was at Hawkins's shop; it was only so late as yesterday he communicated the fact of the prisoner having bought the strychnia on the Monday night. I hope I need not say, as the Crown is conducting this prosecution, that no inducement has been held out to him to make that statement. He will explain, if he is asked, the reason for his silence; he has expressed, and will express, contrition at having kept it back; it will be for you, when he has made the statement and explained the motive which induced him at this time to withhold it, to say whether you give credit to the statement he so makes, whether he is to be believed or not. If you believe Roberts, the assistant of Mr. Hawkins, on whose testimony no impeachment rests, there can be no doubt on the Tuesday the prisoner bought six grains of strychnia at the shop of Mr. Hawkins; and, as I shall show you presently, on that same night he administered pills to Mr. Cook, after which Mr. Cook died with all the symptoms which are known to result from the administration of that poison.

However, I now go on to the events of Tuesday, and I will call your attention to another remarkable circumstance. You will remember I told you Mr. Cook was entitled to receive the stakes which he had won at Shrewsbury; on the Tuesday Palmer sent for Cheshire, and desired Cheshire to bring a receipt-stamp with him. Cheshire, to whom Palmer owed a sum of 7*l.*, thought he was going to be paid that sum, and he came with the stamp in his hand. Palmer produced a paper and desired him to draw a cheque on Messrs. Wetherby in his, Palmer's, favour for 350*l.*, making this curious observation: "Poor Cook is too ill to draw the cheque himself, and Messrs. Wetherby might know my handwriting." I can offer you no solution of that difficulty. Why, the cheque being drawn in his favour, there should be anything to apprehend from the circumstance of the body of the cheque being in his handwriting, I do not know; all I can say is that that passed, that he used that language to Cheshire, and Cheshire then copied on to a piece of paper the body of a cheque addressed to Messrs. Wetherby, whereby they were directed to pay the sum of 300*l.* to William Palmer, and place the same, as the language of the cheque ran, "to my account;" and he took that away to get Mr. Cook's signature. The cheque was sent that night to Messrs. Wetherby, and returned. Up to this moment the prosecution have not seen it, and whether it is Mr. Cook's signature or not I cannot tell you. I shall call for its production when the proper time comes, and it will be for the prisoner to produce it or not as he shall be advised. If it is produced we shall be enabled immediately to ascertain whether it is a genuine signature of Mr. Cook or a forgery; but there is something which casts suspicion as to the honesty of the transaction from the fact of Palmer shrinking from putting his own handwriting in the body of that cheque. I shall hereafter follow out its history.

In the course of that morning coffee was again prepared, by the desire of the prisoner.



for Mr. Cook; broth was also sent by him; and the vomiting was renewed on the Tuesday, and continued throughout the whole afternoon. Now, on that afternoon a new person is introduced on the scene. On the Monday Palmer wrote to a person of the name of Jones, desiring him to come over to see Mr. Cook. Now, this is a remarkable part of the history of the case, and one which in every point of view is deserving of serious attention. Mr. Jones was a medical man living at Lutterworth, in whose house, when at home, Mr. Cook was in the habit of residing. On Sunday Palmer writes to Mr. Jones, stating that Mr. Cook was taken ill with a bilious attack accompanied with diarrhœa, and requesting him to come and see him as soon as possible. It may be the fact of his sending for a medical man may furnish the strongest inference of the prisoner's innocence; it is for you to say whether this fact, with one or two others of the same description, will operate on your mind in that way. I should not, however, be discharging my duty if I did not suggest it as being part of a deep design, and that the administration of the irritant poison, of which abundant traces were found after death, was for the purpose of producing the appearance of natural disease, which could account afterwards for the death to which the victim was doomed. It is for you, gentlemen, to say which you think the fair and reasonable interpretation to put upon this act. In the letter, Palmer calls it a bilious attack attended with diarrhœa: the medical gentlemen, who will be called, who saw the patient while these fits of vomiting lasted, will tell you there were none of those appearances, and that it had the appearance of being produced by some irritant put into the stomach. Mr. Jones, being unwell, does not arrive until Tuesday about three o'clock, when he immediately proceeds to see his sick friend. Palmer came in, and they examined him together; and, having been told the man was suffering from a bilious complaint, the first thing Jones does is to look at the symptoms which might be expected under such circumstances, but he finds, as the preceding doctor had found, that the pulse was natural and slow, that there was no fever, and that the tongue was perfectly clean: he turned round to Palmer, and said, "That is hardly the tongue of a bilious patient;" on which Palmer said, "If you had seen it before, you would have seen what sort of a tongue it was." That evening, about seven o'clock, Mr. Bamford came as usual, when he found the patient progressing favourably, the sickness having abated. Mr. Bamford will tell you that in his view he showed some symptoms of excitement, the pulse had become more irritable, and had got up to between 80 and 90; but Mr. Jones explains that, by saying it was the presence of Mr. Bamford and the discussion as to the medicine he was to take which caused that. Seeing the patient was somewhat irritable when the medicine came to be spoken of, the three medical men withdrew into the hall, into which the room opened, and held their consultation. I should tell you, before they went out Mr. Cook turned suddenly round to Palmer, and said, "Palmer, I will have no more medicine to night—no more pills," making some reference to the effects of the night before: on this the medical men withdrew. Palmer insisted on his taking the pills, as likely to be beneficial, and said, "they had better not tell him what they were going to give him, as he has an apprehension of their producing the same effect as they had last night." Accordingly, it was arranged that the pills should be made up, and that Mr. Cook should not know what they contained. Mr. Bamford went to his surgery, accompanied by Palmer, and made up the pills as on the previous occasion. When he had made them up and put them into a box, Palmer asked him to write upon them the direction of how they were to be taken. This struck Mr. Bamford as being extraordinary, because, as Palmer himself was a medical man, and was going to give the pills to the patient, there could be no necessity for writing the direction, which a medical man usually does when another medical man does not intervene to see the dose administered; but by Palmer's desire he did write the direction—"pills to be taken at bedtime." He put the box into a paper and sealed it up. Three-quarters of an hour elapsed between the time the prisoner left Mr. Bamford's and came to Mr. Cook. When he did come he gave Mr. Cook two pills; but before he gave them to Mr. Cook he opened the box, and called the attention of Mr. Jones to the direction, saying, alluding to Mr. Bamford's handwriting, "how wonderful it was that a man of eighty should write so good and strong a hand." Now, Mr. Jones did not know Mr. Bamford until that day. He had no particular interest about it, but the prisoner showed him this handwriting as indicating what a good hand Mr. Bamford wrote; the effect being, as you will see, to identify the pill-box as having come from Mr. Bamford, whereby any suspicion might be allayed which the future events might be calculated to produce. This was about half-past ten o'clock at night. The pills were then offered to Mr. Cook, who strongly objected to take them, saying, they had made him ill the night before; Palmer insisted, and Mr. Cook at last took them. He vomited immediately afterwards, but did not bring them up. After this Mr. Jones went down to get his supper, and it being arranged Mr. Jones should sleep there, about a little before twelve o'clock Mr. Jones came up from his supper to go to bed in the room. He undressed and went to bed. He will tell you that in the course of

that evening Mr. Cook had been considerably better; the vomiting had ceased, his spirits had returned, he had chatted with him cheerfully, spoken of his future plans, and, in short, there was nothing which indicated not only approaching death, but serious disease. Mr. Jones went to bed. When he had been in bed fifteen or twenty minutes he was roused by a sudden exclamation and scream from Mr. Cook, who had started up, sitting on his bed as he had done the night before, and called out, "For God's sake fetch the doctor, I am going to be ill as I was last night." The chambermaid, who was called for, ran across to Palmer. In a moment Palmer came to the window. He was told he was wanted; that Mr. Cook was ill; and he said "he would be down directly." He was across in less than two minutes, and he made the observation when he came that "he had never dressed so quickly in his life." It will be for you to say, gentlemen, when you have heard the statement, whether he could have had time to dress. He found Mr. Cook manifesting the same symptoms he had shown the night before. He was sitting up gasping for breath, screaming violently, as he had done before; his body was convulsed, his neck began to stiffen, and he implored Mr. Jones to raise him up and rub his neck. Mr. Jones did so, and Palmer came. He implored Palmer to give him the same remedy as he had given him the night before, on which Palmer said, "I will go and fetch it." He came out and found the chambermaid and waitress in the inside hall, attracted by the noise of the screaming; on which Mills said, "Poor Mr. Cook is the same as last night." "No," said Palmer, "he is not a fiftieth part as bad as he was: what a game to be at every night!" Having made this observation, he went out, and almost immediately returned, and brought two pills with him, which he told Mr. Jones were ammonia. I am told, in the first place, that ammonia would not be a remedy in such a case; and, what is still more remarkable, that ammonia cannot very easily be put into pills. However, he gave him the pills, which immediately afterwards Mr. Cook threw up into the utensil which was given to him. Now, gentlemen, I beg to call your attention to the fact, that on both these nights he was enabled to swallow during the period of his convulsions, while the tetanus was upon him. You will find it to be an important fact where tetanus is produced by strychnia, lock-jaw—or, as the medical men call it, trismus—is occasionally a symptom, though not a necessary one, but it only comes in at the close of the paroxysms, and is perhaps the last of the tetanic rigor which affects the muscles. The muscles of the throat and the jaw are the last affected. In the affection arising from a wound, lock-jaw is the first and most remarkable symptom. On both these occasions we find this man, while all the rest of his body was convulsed with cramps, capable of swallowing and vomiting, which a man with lock-jaw of course could not do. He swallowed those pills, brought them up again, and immediately afterwards was seized with the most violent convulsions, every muscle of his body was convulsed, and by degrees the body began to stiffen out. Of course, as soon as the body began to stiffen out, suffocation commenced. He violently entreated to be raised, as otherwise he should be suffocated. They tried to raise him, but it was impossible; the whole body had become so stiffened out with those fearful cramps, that it was impossible to move it from its position; it rested on the back of the head and heels, and from that position it could not be shifted. Finding they could not raise him, he said, "Pray turn me over." They did turn him over on his right side; he gasped for breath, but could do no more: in a few minutes all seemed to be gradually ending in death. Mr. Jones leant over him and listened to the action of the heart; the pulse gradually subsided; all was over, and the man was dead; and the whole thing, from the beginning to the end, took less time in the action than it has taken me to tell you in the recital.

This was not idiopathic or traumatic tetanus, a case of hours,—but it was a case of minutes; from the time the first symptoms manifested themselves and the first paroxysm took place, from that time till all was over did not occupy the space of ten minutes. Now the body of medical testimony which I shall produce before you will speak positively as to this being a death referable only from its symptoms and appearances to tetanus produced by strychnia, and not to the other forms to which I have already adverted.

Gentlemen, this was on the Tuesday night between twelve and one, and the breath was hardly out of the man's body when Palmer began to think of what was to be done; his presence of mind did not forsake him, and he sent Jones out into the hall to call in the female servants. They came, and he asked them to tell him some one who would be a proper person to lay out the body; they named two women, and those women were ordered to be sent for to lay out the body; they were sent for, and you will hear the description they give of the state of the body after death. When those two women went in to speak to Palmer, they found him searching the pockets of a coat, which there could be no doubt was Mr. Cook's; they saw him hunt under the pillow and under the bolster; they saw some letters, which there was every reason to believe were taken from the coat, put on the mantel-piece; those papers had not been seen there before. When Cook



came to Rugeley he had, what I believe no betting-man goes without, his betting-book with him; that has not been found; neither that nor a single paper nor any money has ever been discovered. I will follow up this part of the case for a moment, though it takes me out of the order of time. Afterwards, on the Thursday, Palmer came again, and said he wanted to get some books and a paper-knife which he had got from somebody in the town for the use of Mr. Cook, and which he should have to make good and pay for if not restored; the servant went to the housekeeper, got the key, and admitted Palmer into the room. In consequence of the servant saying she believed the housekeeper had the books, she was sent to inquire about them, and on her return she found him rummaging among Mr. Cook's things. When I add to this, what I shall prove to have happened at a subsequent period, it will be for you to say what has become of the betting-book, which I shall show to have been on Mr. Cook's dressing-table upon either the Monday or the Tuesday night, because one of the servants had it in her hand, and took from it a stamp which she gave him to put on a letter for the post,—that book nor any of his papers not having been forthcoming.

Gentlemen, this ends the history on the day on which Mr. Cook died. I now pass on to the next day. On the Wednesday Messrs. Wetherby received the letter of Palmer enclosing the cheque which had been filled in by Cheshire on the Tuesday, and in which Palmer desired them to send him a cheque for the amount of the 350*l.*; they replied that they had not sufficient funds. It seems at that time they had a sum to Mr. Cook's credit of 89*l.* odd, but they had not funds in hand to meet the 350*l.* cheque, because at that time the stakes had not been remitted to them from Shrewsbury. On that same day, the 21st of November, Palmer wrote a letter to Pratt in which he refers to his anxiety to have the horse Polestar, which having just won her race was worth from 1500*l.* to 2000*l.* As I told you, Messrs. Wetherby, in answer to the letter to them, wrote that they had not sufficient funds to pay the cheque, but probably they should have them before the end of the week. On the Thursday, the 22nd, Mr. Frail, the clerk of the course at Shrewsbury, sent them up a sum of 381*l.* 19*s.*, the net proceeds of the Shrewsbury handicap stakes, to the credit of Mr. Cook, and in all probability they would have paid the 350*l.* cheque out of that sum, but on the same day Mr. Frail gave them instructions not to pay this money to Mr. Cook, inasmuch as he had paid it to Cook himself at Shrewsbury; the consequence was, they declined to pay the 350*l.* cheque, and wrote to that effect. It seems Mr. Frail was under a misapprehension as to that, but the fact is not material. Messrs. Wetherby having declined to pay the 350*l.*, Palmer writes to ask them to pay 75*l.* to Pratt, and 100*l.* to another person; this they also declined to do, stating it was not their practice to pay parts of cheques.

Pratt, having failed to get the 75*l.* from Messrs. Wetherby, communicated with Palmer, and the latter person on the 24th comes up to London, saw Pratt, and pays him 100*l.* These are sums, recollect, paid by a man who when he went to Shrewsbury races had no money, and who lost his money there. The next day, Friday, he was again at Rugeley, and he again had recourse to Mr. Cheshire; he sent to Cheshire, and desired him to come to him. Cheshire came, and Palmer produced a paper which had Cook's signature to it, whether genuine or not I cannot pretend to say. That paper I shall call for, and when it is produced we shall be enabled to see whether the signature is genuine or not; but this document so signed Palmer produced to Cheshire, and he asked Cheshire to attest its signature by Cook. Cheshire looked at the paper, which purported to be an acknowledgment by Cook, that 4000*l.* worth of bills, the dates and circumstances of which were specified, were bills which had been negotiated by Palmer for Cook's benefit, and of which he, Palmer, had received no share. As I said before, this may or may not have been a genuine document; the prisoner will be enabled to satisfy you on that point, by producing it when I call for it; but this is perfectly clear, to ask Cheshire to attest the signature of a man who had been forty-eight hours dead was on the face of it a fraud, and can convey to our minds nothing but an inference that there was some fraudulent transaction which the prisoner had in his mind when he attempted to carry out that purpose. Cheshire, though he had been the instrument of the prisoner, and under his influence to a lamentable extent, as will be proved, and for which he is now suffering, declined to do this act, and said, "Good God! the man is dead! I should not like to attest the signature of a man who is dead. If such a transaction should come out, and I should have to give evidence of it, I should not like the position." Palmer said, "Never mind, I dare say they will not dispute his signature; but I thought it would look better if it had an attesting witness to it;" and he took the paper away. This took place on the Thursday, or Friday, I am not quite sure which, for Cheshire is not perfectly accurate as to the date. On the Friday Mr. Stephens, the step-father of Mr. Cook, came down; he was much attached to Cook, having married the widow of Mr. Cook's father. When he came he naturally went in the first place to see the corpse, and



he was struck with the fulness of the face, and the general appearance of the body; it had not the appearance of emaciation, which generally accompanies disease terminating in death. He made no remark on it; he saw Palmer, whom he understood had been in constant intercourse with his son-in-law to the time of his death. He inquired of Palmer about Cook's affairs. Latterly Cook had been a good deal on the turf; he had run through his own money, except some reversionary interest he possessed, and his step-father had little to do with his pecuniary affairs, which he had managed for himself. He inquired of Palmer if he knew anything of Cook's affairs, as he had been on intimate terms with him; on which Palmer stated, much to Mr. Stephens's surprise, that there were 4000*l.* worth of bills out with his name to them, and that he held a paper drawn up by a lawyer, and signed by Cook, whereby Cook acknowledged he was the only person primarily liable for those bills; and Palmer added that he should look to Cook's estate for them; on which Mr. Stephens said he was extremely surprised to hear of this: it was new to him, and all he could say was, there would not be 4000 shillings for the holders of the bills. Palmer said he hoped he should get the money; on which Mr. Stephens said, "If you do you will get it from the Court of Chancery, into which the affairs will be immediately carried." Mr. Stephens then spoke of the funeral, saying, he intended it to take place in London. Palmer expressed his willingness to conduct it; but Mr. Stephens declined the offer, stating it was his duty; but that inasmuch as he intended Cook to be buried in London, the body must remain at the hotel for two or three days. Palmer said that was of no consequence, but that it ought at once to be put in a coffin and fastened down. During some conversation between Mr. Stephens and Mr. Bamford, who was in the room, Palmer left, and returned in about half-an-hour. Stephens asked him if he could recommend some respectable undertaker, whom he might give the necessary directions to prior to the body being taken to London; on which Palmer said, "I have done that already; I have been out and ordered a shell and a strong oak coffin." At this Mr. Stephens expressed his surprise. Dinner having been in the mean time ordered, to which Mr. Stephens had asked Mr. Jones and Mr. Bamford, he thought it a mere act of civility to ask Mr. Palmer to join them at dinner. Accordingly they dined together. After dinner, previous to Mr. Stephens leaving, turning to Jones he said, "It is time for me to go; will you be good enough to step up stairs and find me any books and papers belonging to my poor son-in-law? Collect them, and bring them down to me, that I may take them away."

Jones left the room to go to the bedroom where the body lay, and Palmer followed him; they were absent ten minutes, and came back together. Jones then said in Palmer's presence, "I am sorry to say we can neither find his betting-book nor any papers." "Not find his betting-book?" said Mr. Stephens; "it must be found;" on which Palmer interposed, and said, "It would be of no use to you if you could find it; the bets would be void by his death," the fact being, as you know, gentlemen, that they had been received and devoted to Palmer's purposes. "I do not care for that," said Mr. Stephens, "the book must and shall be found," on which Palmer somewhat changing his tone said, "I have no doubt it will be found." Mr. Stephens on this rang the bell, and when the housekeeper came desired her immediately to go and take possession of whatever there might be of Mr. Cook's, to lock the door, and allow no one to have access to the place until his return from London, where he had made up his mind to go to obtain the assistance of a solicitor. Before leaving he went to take a farewell view of the body of his deceased step-son, and on taking the hands of the deceased man to his astonishment found them firmly clenched, instead of the muscles being relaxed as they usually are in death. He said nothing, but immediately left for London with his mind strongly impressed with the circumstances and facts I have detailed. On his arrival in London he consulted his solicitor, who gave him a letter of introduction to Mr. Gardner, a respectable gentleman practising in Rugeley. In returning from London, on the train stopping for refreshment at Wolverton, he met Palmer, who was a passenger by the same train; they met in the refreshment-room and spoke, and Mr. Stephens communicated his determination to have a post-mortem examination. Mr. Palmer was particularly anxious about it, and pressed him to tell him who were the persons who would have to make the examination; on that point Mr. Stephens, who perhaps had not made up his mind, did not inform him, but he did tell him he fully intended to employ a solicitor to inquire into his step-son's affairs; on which Palmer offered to recommend him one, which offer Mr. Stephens declined. On his arrival at Rugeley Mr. Stephens saw Mr. Gardner, and afterwards meeting Palmer he told him he should go the next day to see the trainer. Palmer said, "I should not advise you to take the solicitor with you." Mr. Stephens said he should judge for himself as to that. The conversation was then directed to the bills, and Palmer said the bills being out was a bad business. "Well, but," said Mr. Stephens, "I have heard a very different version of that story." "Well," said Palmer,



"I hope it will be all settled pleasantly," when Mr. Stephens repeated what he had said before, that the affair should be put into Chancery and settled through the intervention of the law. On that same day, I must tell you, Palmer had been in London, and paid Mr. Pratt 100*l.*, 75*l.* on account of interest, and 25*l.* off the debt, and had got the memorandum to which I referred. In the conversation between them Pratt, who had been struck by the expression in Palmer's letter, telling him not to mention to any one the sums he had advanced to Mr. Cook, asked Palmer what he meant by that; Palmer gave some explanation which did not appear to be a very simple one, and it will be for you to say what was the motive of Palmer in begging and entreating as he did of Pratt not to mention to any one the money advanced to Cook. Not only in that letter he does that, but he does it also in a letter of the 26th of November, which I find marked "Strictly private and confidential."—"My dear sir, should any of Cook's friends call on you to ask what money Cook had of you, pray do not answer that question or any other about money matters. until I have seen you."—It being the 26th of November when he wrote that letter, on the 1st of December he called again on Pratt and paid him another 100*l.* on account of the 2000*l.* bill due on the 27th of October, and that closed his transactions with Pratt.

Shortly after this the circumstances became bruited abroad, then came the final crisis. Mr. Padwick, who had a warrant of attorney, arrested him, and brought an action against his mother on the acceptances, and then everything became known, as might have been anticipated. Continuing the narrative: on Sunday the 25th the prisoner went to Mr. Bamford and asked for a certificate of the cause of Cook's death. Mr. Bamford said, "Why should you ask me for it? he was your patient." "No," said Palmer, "I would rather you gave the certificate." It was discussed what the certificate should be, and finally it was entered "apoplexy." I am told, gentlemen, Mr. Bamford is upwards of 80 years of age, though he still continues to practise. I hope that infirmity may have been the cause of his doing that which certainly at the present moment he cannot attempt to justify. Mr. Bamford will not tell you that apoplexy ever caused tetanus in this world; he will tell you most likely that, in his opinion, the man died of tetanus; but the post-mortem examination will show there is no pretence for saying he died from apoplexy. During the same Sunday the prisoner sent for Newton, the assistant of Mr. Salt, and got into conversation with him; after a time Palmer turned it to the subject of strychnia, and asked "How much strychnia should you give if you wanted to kill a dog?" on which Newton said, "From half a grain to a grain." "What appearances should you expect to find in the stomach or intestines after death?" "None," said Newton; "it does not cause inflammation, or leave any appearance." Mr. Newton will tell you on that an exclamation of satisfaction escaped from the prisoner's lips. This was on the Sunday evening, when the post-mortem examination was to take place the next day, and it did take place the next day, in the presence of several medical men; among others was a Dr. Harland, who came from Stafford. That gentleman on his arrival met Palmer, whom he knew as a medical man, and said, "What is this case? I hear there is a suspicion of poisoning." "Oh! no," said Palmer; "he had epileptic fits on the Monday and Tuesday nights, and you will find old disease, both of the heart and head." They then went on to Mr. Bamford's, where the other medical men were assembled, and Palmer makes this observation—"Here is a queer old man, Cook's father-in-law, making inquiries, and his conduct to me is very strange; I do not know what he wants." Among the medical gentlemen present was Mr. Newton; and as they were leaving Mr. Bamford's, Palmer said, "This will be a dirty job; I will go and get a drop of brandy,"—at the same time saying to him, "The poor fellow was full of disease; his throat was diseased, and he had syphilis." So that you see, gentlemen, he varies again and again his account of the complaints under which Mr. Cook was suffering.

I now come to the post-mortem examination: that was made by a person of the name of Devonshire, a young medical practitioner, in the presence of Dr. Harland, Mr. Arnold, Mr. Moukton, Mr. Bamford, Mr. Newton, and the prisoner Palmer. The body was carefully examined: it presented the external appearance of death by tetanus; the muscles were all bent into a state of undue rigidity; the feet distorted, so as to bear the appearance of the man having been club-footed; the hands closed so firmly, that it required force to open them, when they closed again; and the head bent backwards. They then proceeded to open the body, and to examine all the important parts connected with the vital system of man; they examined the abdomen and liver, and found them healthy; they examined the lungs and the kidneys; it is said there was a slight congestion of the latter. The medical men are not agreed as to whether that is due to anything in the form of disease, or to the derangement which takes place after death; but they are all agreed on this, that there was nothing at all to disturb the functional healthiness of the system, or in the slightest degree to account for death. They examined the stomach and the intestines,



and the only things they found were a few white spots at the large end of the stomach, which they say might possibly cause a small amount of derangement, but which could not in the slightest degree be spoken of as the cause of death. They examined also that most important organ the brain, and they found it quite healthy.

I should tell you, gentlemen, here, that in the following January the body was exhumed for the purpose of a further examination being made into the state of the spinal cord and marrow, when they were found in a most healthy condition, without the slightest appearance of anything to which death could be attributable, and it is a remarkable fact that even when taken up in January, though the muscles of the trunk had lost their rigidity, the muscles of the hands, fingers, legs, feet, and toes all maintained the same remarkable appearances which manifested themselves immediately after death.

Gentlemen, I go back to the post-mortem examination which took place on the Monday. The stomach and intestines were carefully examined, and no trace of disease was found: there was no inflammation. The prisoner's attention was directed to that, and when he saw that it presented no appearances at all indicative of any inflammation or injury to those parts, he turned round to Mr. Bamford and used more than once the remarkable expression, "Doctor, they won't hang us yet." The stomach and intestines were taken from the body and opened over a jar. Mr. Devonshire, who is a young practitioner, does not appear to have conducted the affair in the most careful manner: he ruptured the stomach, and was obliged to tie it up at both ends with a string; it was turned inside out, and the stomach was thrown into the mass of matter which came from it and was found in the jar. While this was being done, Dr. Harland will tell you, the prisoner, who was standing behind Mr. Newton and Mr. Bamford, very unnecessarily pushed against them, so much so as to call for remonstrance from Dr. Harland. The jar was then with its contents covered with parchment, tied down by Dr. Harland, and sealed. It was then put on one side while the medical men turned their attention to the rest of the examination. After a minute Dr. Harland happened to turn round and saw the jar was gone; he immediately called out "Where is the jar?" On this, everybody's attention being directed round the room, at a distance, at a door not properly leading from the room, stood the prisoner with it; he said, "I have it; I thought it might be more convenient to put it there, that you might have it at hand when you went out." That was a way out, but it was not the usual way; on which they immediately called out, "Pray, bring it back." It was brought back, and Dr. Harland and the other gentlemen immediately saw two slits had been cut through the double skin with a knife—it had been, mind, in nobody's hands but his. I am bound to say, gentlemen, whatever had been his intention, he had not carried it out so far as to be able to get anything from the jar. The slits cut by the knife were clean; nothing had come out of it; still it is a circumstance which I am bound to call your attention to, that the jar was found in the prisoner's hands in a position in which in another minute it might have been out of the room, and two slits had been cut in the parchment which were not there at the time the jar was tied up.

After that the prisoner is very anxious as to what is to be done with the jar. Finding Dr. Harland, who is a most respectable man, a magistrate of the county, was about to take it away, he remonstrates with Mr. Bamford against its removal; he says, "I do not think we ought to let them take away that jar; who knows what they may put into it?" If this had been said by an ignorant uneducated man, not familiar with the course of conduct pursued by medical men, there might have been less in that; but taking it as it is, it is for you to say whether this anxiety to stop the jar being removed is not an indication of a guilty conscience on the part of the prisoner. But, gentlemen, it does not stop there; the jar is taken to Mr. Freer, a surgeon at Rugeley. Having been sealed, it is delivered to Mr. Boycott in a condition in which it could not be tampered with, for it was not only tied down but sealed, and any interference with it could be discovered. Notwithstanding that, the prisoner was in the highest state of anxiety that this jar should not reach its destination. He finds out it is going to be conveyed to London for the purpose of chemical analysis, and that Mr. Stephens and Mr. Boycott, Mr. Gardner's clerk, are going away that night by post-chaise to Colwich, there to take the train for London; the fly was to be driven by a postboy from the Talbot, of the name of Myatt. Palmer goes to him, and asks him if it is the fact that he was going to drive over Mr. Stephens and Mr. Boycott that night? on being answered in the affirmative, he says, "I am told they are going to take the jar with them; they have no business to take it: I do not know what they may put into it. Could you not manage to upset the fly, and break the jar? I will give you 10*l.* to do it." The man said, "I could not think of such a thing." Says he, "I will make it all right with you if you will." The man said, "I will do no such thing, and I must go and look after my fly," and so left him. That man is a respectable man; and, as far as I know, he can have no earthly motive for stating such a fact if it be untrue. If it



be true, and you believe it, it will be for you to say whether there can be any but one inference that can be drawn from such a fact as that.

Now, gentlemen, I have gone through the history of this painful case; there are, however, one or two other matters of minor importance which I ought not altogether to pass over, as I think everything connected with the conduct of a man who is conscious there rests on him an imputation of this kind is more or less material to the inquiry. After this post-mortem examination it was thought right to have a coroner's inquest; in the course of that inquiry I find Palmer on two or three occasions sending presents to the coroner. It was known the stomach and its contents had been sent to Dr. Taylor and Dr. Rees of Guy's Hospital to be analysed, and that those gentlemen were in communication with Mr. Gardner, who was employed by Mr. Stephens; a letter comes down from Dr. Taylor to Mr. Gardner, stating the result of the chemical analysis they had made; that letter is betrayed by Cheshire to Palmer, and Palmer sits down to write to the coroner to tell him that Drs. Taylor and Rees had failed to find poison in the body, asking the coroner to take a certain course with regard to the examination of witnesses, and to call Dr. Taylor. Why should he desire to see the letter which Dr. Taylor had written to Mr. Gardner with reference to whether poison or not had been found in the intestines unless there was uneasiness on his part? These are matters which, I think, ought not to be wholly overlooked, but to which I do not desire to attach more weight than you think they deserve.

I mentioned to you that the prisoner had had no money previous to the Shrewsbury races, and that he lost money there. I shall show you that after that he was flush of cash: he paid 100*l.* or 150*l.* into the bank where he banked at Rugeley, and he paid sums of 50*l.* each to two or three persons in that neighbourhood; he was dealing with money right and left. I shall trace to his possession something like 400*l.* Cook had 700*l.* or 800*l.* on the Thursday morning when he left Shrewsbury; none is found. It may be, and I do not say it is not so, that Cook, who I believe was a compassionate, kind-hearted creature—whatever faults or follies he may have been led into—compassionating the position in which Palmer was, may have assisted him with money. I do not know how that fact is, but I do not wish to strain the thing too far against the prisoner. On the other hand, I think no one can imagine that Mr. Cook, who had nothing to look to except the money he had won at Shrewsbury, and who was looking to that as the means of carrying him through the winter to the next year, should have given up everything to this man. The money he took with him to Shrewsbury, the proceeds of the bets, amounting to 1000*l.*, at Tattersall's; the stakes, amounting to 380*l.*, he was to receive from Messrs. Wetherby: it seems impossible to suppose the man would have denuded himself of everything, and left himself destitute for the coming winter, for the assistance of Palmer. The case then stands thus. You have a man overwhelmed with pecuniary liabilities, who has resorted to the desperate expedient of forging acceptances on which to raise money; who hoped to meet those acceptances by the proceeds of an insurance made on a very doubtful life; who is disappointed of that expectation, by the company in which the life was insured refusing or delaying payment; and then he is told by the agent, through whom these bills had been discounted, "You must trifle with me no longer, you must find money, because these policies have ceased to be an available security, except between you and your mother. I must use writs; I will abstain from serving them for a few days, but, mark! if you do not find me money within a given period, these writs will be served." The man has ruin staring him in the face, not merely pecuniary ruin, but all the punishments which attach to the crime of forgery, of which he knew himself to be guilty. He had forged Mr. Cook's name for 375*l.*; and I will show, in another instance, having forged the acceptance of his mother, he got it discounted, and got Mr. Cook to put his endorsement on the back of that bill, so that Mr. Cook would have been liable thereupon.

Gentlemen, it is for you to say, under these circumstances, whether the prospect of getting the 1000*l.* of the bets would not be a sufficient inducement to lead him to commit this offence; but he seems to have had another object in view. No sooner is the breath out of the dead man's body than he says to Mr. Jones, "I have a claim against him for 3000*l.* or 4000*l.* on bills I have put my name to for his accommodation." He tells the same story to the father-in-law and to Mr. Pratt, and he produces that document to prove it, which he asks Cheshire to attest the signature to after the death of the man who is supposed to have sent it. I do not wish to press the matter further than I legitimately ought; but the fact of Mr. Cook having been mixed up in that strange insurance of Mr. Bates would lead one, perhaps, to the surmise that Mr. Cook was in possession of secrets relating to the desperate expedients to which this man had resorted for the purpose of obtaining money. It is for you to say whether this combination of motive may have led to the perpetration of this crime; but I say that easily arises, supposing the case is balanced between probabilities which weigh on the one side or the other. If you believe the evi-

dence, that on the Monday night he purchased strychnine, that on the Tuesday morning he again bought this article; if you believe the paroxysm of the Monday night and the mortal agony of the Tuesday night were the result, as medical men will tell you, of strychnine administered to him; then I show on the Tuesday that the pills were administered by the hands of Palmer, and on the Monday I show that by a degree of probability that amounts almost to certainty: if that be so, we need not speculate on motive; what is there to be set against it? You will be told, and told with truth, no strychnine was found. The stomach and intestines were submitted to a careful and searching analysis, and I am bound to say no trace of strychnine was discovered; but I am told by high authority that although the presence of strychnine may be discovered by certain tests, and although the indication of its presence would lead irresistibly to the conclusion of its having been administered, the converse of the proposition does not hold; it is found sometimes, at other times it is not: it depends on circumstances. You have heard, and it will be proved to you, that a most minute dose will destroy life—from half a grain to three quarters will lay the strongest man prostrate in the pains of death; but in order that it shall produce these fatal effects, it must be absorbed into the system. The absorption takes place in a greater or less amount of time, according to the manner in which the poison is presented to the absorbents; if it is presented in a fluid form, it is rapidly taken up, and produces its effects rapidly; if it is administered in the form of pills, as the pill must first be dissolved, and when dissolved it presents itself only to the action of the absorbent vessels, the effects will require a little time before they present themselves; and as the poison is a vegetable poison, the tests which can be applied for its detection are infinitely more delicate and more difficult of application. It is not like a mineral poison, which may be easily detected and reproduced in specie; that is not the case with a vegetable poison: there are, therefore, difficulties accompanying the detection of its presence. If the dose has been a large one, there is clearly no difficulty whatever; it kills with so great a facility, that before the whole has been absorbed into the system, a paroxysm arises and death ensues. A portion is left in the intestines, which is found hereafter. If the minimum is applied, the contrary is the case, and experience shows the theory I am enunciating is borne out by facts. Experiments have been tried which will be brought before you which show, where the same amount of the poison has been administered to animals of the same species in which the tenancy of life may be supposed to be equal, death will arise in the same number of minutes in the same form, and when the analysis is afterwards made, the presence of the poison will be discovered in the one but cannot be made manifest in the other.

Gentlemen, it is for you to say in this case, when you shall have heard the whole body of testimony I will lay before you, whether the circumstances do not unerringly lead your minds to the conclusion that the deceased man, whose death is the subject matter of this inquiry, came to his death by the administration of that poison, and that it was administered to him by the hands of the prisoner. There is one circumstance to which I must advert before I sit down, and it is for you to say whether it does not throw a great light on what would otherwise be involved in darkness. From the Wednesday until the ensuing Tuesday, with the absence of a part of Monday, the deceased was in a continued state of retching and vomiting; the analysis made of his body since his death has failed to produce evidence of the presence of strychnine, but it has not failed to produce evidence of the presence of antimony. The antimony has been reproduced in specie, and will be laid before you. Who administered that antimony? How did it get into his system? It was not administered by any of the three medical men who were called in. It was not administered by Dr. Savage. The man never took antimony with the knowledge of any medical man that attended him, unless it was with the knowledge of the prisoner. Unless taken in a considerable quantity it produces no effect on the throat; it is soluble, the liquid in which it is dissolved does not indicate its presence. It was in that man's body; how did it get there? It is an irritant which produces sickness of the form under which Mr. Cook suffered. It is administered in medicine for that purpose. This man is sick for a week, and antimony is found in his body afterwards. Who could have administered it? For what purpose was it administered? There again one is lost in speculation; it may have been originally he intended to destroy him with it. It may have been his only object was to bring on the appearance of disease, to enable him to call for a medical man, and account for the death when it took place. So also with regard to the first dose of strychnine. It may have been weak on purpose, or by accident. I am told it is sometimes sold in a diluted form, bearing only the sixth part of the strength of strychnine. He may not have intended to dispose of him that night. The question is whether strychnine was administered on the Monday night, and still more on the Tuesday, when the death took place. If you are satisfied it was, then remains the question whether it was by the prisoner's hand the



stryehnine was administered. I shall produce the testimony before you to which I have adverted, and which, I fear, must occupy some considerable portion of your time, but in such an inquiry time cannot be wasted. I am sure you will give it all your most patient attention. I have the satisfaction of knowing that the prisoner will be defended by one of the most able and eminent men that ever adorned the Bar of England. If, in the end, the evidence fail to satisfy you of his guilt, or if the explanation offered satisfy you of his innocence, in God's name, let not an innocent man—one who is not proved to be guilty—suffer.

If, on the other hand, the facts to which I have already adverted, and which I shall lay before you in evidence, lead you to the conclusion he is guilty, the best interests of society and the duty you owe to society and yourselves will demand at your hands a verdict of guilty.

## EVIDENCE FOR THE PROSECUTION.

Mr. ISHMAEL FISHER sworn.—Examined by Mr. *James*.

Are you a wine-merchant, residing at No. 4, Victoria Street, Holborn? I am.—Are you in the habit of attending races, and betting occasionally? I am.—Did you know John Parsons Cook, the deceased? I did.—How long had you known him? I should think about two years.—Were you at the Shrewsbury races in November, 1855? Yes.—Do you remember the race for the Shrewsbury Handicap? I do.—Did a mare called Polestar, which was the property of Mr. Cook, win that race? Yes.—On what day was that race? On Tuesday or Wednesday; Tuesday, the 13th of November.—Did you see Mr. Cook, the deceased, upon that day? Yes.—Did you see him upon the course? Yes.—In what health did he appear to you then; what health and spirits? Quite as well as he had been at any time I had known him.—You had been in the habit of seeing him at different races, perhaps? Yes.

Mr. BARON ALDERSON.—He was as well as usual, you say? Yes.

Mr. *James*. Were you stopping, while you were at Shrewsbury, at the Raven Hotel? Yes.—Do you know Palmer, the prisoner? Yes, very well.—How long have you known him? I should think about the same time, or a little more, perhaps, than I have known Mr. Cook.—You were staying at the Raven Hotel? Yes.—Were Mr. Cook and Mr. Palmer stopping there? Yes.—At the same hotel? Yes.—Were they occupying a room near you?—Yes, the adjoining room.—I believe there was only a wooden partition between your room and theirs? That was all.—Did they occupy the sitting-room jointly? Yes.—Did you see them there together? Yes.—On the night of Wednesday did you go into that sitting-room in which Mr. Cook, the deceased, and Mr. Palmer were? Yes.

Lord CAMPBELL.—About what hour? Between 11 and 12.

Mr. *James*.—Whom did you find in the room when you went in? I found Mr. Cook, Mr. Palmer, and Mr. Myatt; they were the only persons I saw there.—Who was Myatt? I believe he is a saddler at Rugelcy.—Was he a friend of Palmer? Yes.—What were they doing when you went into the room? They appeared to have some grog before them each.—Did you observe that Mr. Cook had some brandy-and-water in a glass by him, or grog, as you call it? Yes.—Were you asked to sit down? Yes.—Who asked you to sit down? Mr. Cook.—Did Palmer say anything to you upon that? No.—Did you sit down? I did sit down.—Do you remember Palmer saying anything to Cook in your presence about having some more brandy-and-water? Mr. Cook asked him to have some more.—Mr. Cook asked Mr. Palmer to have some more? Yes.—What did Palmer say to that? "I shall not have any more till you have drunk yours."—What did Cook say then? He said, "I will drink mine."—What did he do? He took up his glass and drank it at a draught, or he might have made two draughts of it; at all events, he drank it off immediately.—After he had drunk it did he do anything, or make any observation? Yes, he said "There is something in it."—How soon after he had drunk it at a draught as you say? Within a minute.—What more did he say? "It burns my throat dreadfully," he said.—Upon that did Palmer do anything; did Palmer hear him say that? Yes.—What did Palmer do; did he do anything? Mr. Palmer got up and took up the glass.—What did he do? He sipped up what was left in the glass, and he said, "There is nothing in it."—Did you observe what there was: what quantity of liquor do you think was left in the glass when Palmer took it up and said "There is nothing in it;" what quantity had been left by Cook? I should think certainly not more than a teaspoonful.—Had he already emptied the glass? Yes.—At this time did a Mr. Read, whom you knew, come in? Yes, he came in in the mean time.—What is Mr. Read? He is a wine-merchant.—

He attends races, I suppose? Yes.—After Palmer had, as you say, put the glass to his mouth, and said "There is nothing in it," did he do anything with the glass to yourself and Read? Palmer handed the glass to Read, and asked him if he thought there was anything in it.—Did he do anything to you; did he put the glass to you at all? Yes, it was handed to me also.—When Palmer handed the glass to yourself and Mr. Read what did you do? We each said, the glass being so empty, we could not recognise anything.—Did you observe anything at all about the glass? I said I thought there was rather a strong scent upon it.—Did you add anything to that? No, only I could not detect anything besides brandy; I could not say there was anything besides brandy.

Lord CAMPBELL.—Did you taste it? There was no chance of tasting it.—Did you put it to your lips? The glass was completely drained.—Did you put it to your lips? No.—How could you give any opinion about it? By the smell.

Mr. James.—Shortly after this did Cook retire from the room? He did.—About how long after do you think? I should say within 10 minutes.—When Cook came back, did he say anything to you? Yes.—In Palmer's presence? No; he called me out of the room.—That is from the room to which he had returned, and where Palmer was? Yes.—He had returned to the room, and then called you from the room, that is from Mr. Palmer and Mr. Cook's sitting-room? He had left the room and come back and called me.—He had retired from the room, and had come back and called you out of the room? Yes.—I believe you went with him into his sitting-room? Into my own sitting-room.—What state was Mr. Cook in then? He was very ill; he had been very sick.—Did he tell you so? Yes.—He told you he had been very ill and very sick? Yes; and asked me to take his money.—Did he state what he had been suffering from?

Mr. Serjeant Shee.—I do not know that we can have that.

Lord CAMPBELL.—Yes.

Mr. James.—Surely it was a complaint at the time.

Lord CAMPBELL.—There is no doubt that what he said respecting any effect produced upon him by what he had swallowed, is clearly admissible.

Mr. James.—Did he state from what he was suffering; tell us all he said to you? He said he had been very sick; and he thought that damned Palmer had dosed him.—You say upon that occasion he handed you over some money? Yes.—How much money did he give you? It was over 700*l.*; I cannot exactly remember; between 700*l.* and 800*l.*—What description of money was it? All notes.—Bank notes? Yes.—For what purpose was it given to you? To take care of.—Till when? He did not say till when; I was to take care of it.—You say, Mr. Palmer and Mr. Cook occupied jointly a sitting-room; do you know whether they had a double-bedded room or not? They did not sleep in the same room.—After he had given you this money, did you see him again suffering that night from sickness? Yes; he was seized immediately after.

Lord CAMPBELL.—Where did you see him? I saw him in the same room, and in his own bed-room.

Mr. James.—We will come to that presently; he was seized again with sickness?

Mr. BARON ALDERSON.—With vomiting, I suppose? Yes.

Lord CAMPBELL.—Where was he vomiting? He was seized with sickness a second time in my sitting-room.

Mr. James.—Was that after he had given you the money? Yes.—Did he retire again to some place of retirement? Yes.—Did he come back to you again? Yes.—When he came back to you after retiring, did he again explain to you from what he had been suffering? Yes; and asked me to go to his bed-room.

Lord CAMPBELL.—When he came back to your room? Yes.

Mr. James.—Did he again complain of suffering during the time he was absent? He repeated what he said before.—What did he say? That he had been again very sick.—Did he make any request to you to go with him to his bed-room? He did.—Did you do so? I did.—You went up to his bed-room with him? Yes.—And I believe a Mr. Jones, who was there, a stationer, went with you to his bed-room? He did.—While you were there, was he vomiting again? Yes.—Violently? Yes.—That is in his room to which you retired with him? Yes.—Was he so ill that you thought it right to send for a doctor, Mr. Gibson? Yes.—Did Mr. Gibson come and attend him? Yes.—About what time did you leave him that morning in his room? We remained with him till 2 o'clock, or a little after.—I believe you sent again for Mr. Gibson? Yes.

Lord CAMPBELL.—When? A second time; there might be perhaps 20 minutes between.—About what hour? I should think Mr. Gibson must have come about half-past 12 or a quarter to 1.



Mr. James.—The first occasion? Yes.—Was he so ill that you sent for him again? Yes, we sent for some second medicine.

Lord CAMPBELL.—When did you send for him the second time? About one as near as I can remember.—He had gone away and you sent for him a second time? Yes.

Mr. James.—About 2 o'clock you left him; was he more composed after he had taken the medicine? Yes.

Lord CAMPBELL.—Did Mr. Gibson give him any medicine? Mr. Gibson sent the medicine; he did not administer it himself.

Mr. James.—Was there anything you were to administer which the doctor directed you yourself to give him? We gave him the medicine; the doctor did not give it him himself.—Did you give him the medicine which the doctor had sent? Yes.

Lord CAMPBELL.—Whom do you mean by "we"? Mr. Jones and myself.

Mr. James.—You gave him the medicine which Mr. Gibson had sent? Yes.—The next morning did you see Palmer? Yes.—About what time? I should think about 10 o'clock.—Where did you see him? In my own sitting-room.—Did Palmer come into your sitting-room? He did; he was there when I got down stairs.—You found him in your room? Yes.—Did Palmer say anything to you about Mr. Cook when you found him in your room that morning? Yes.—What did he say? He said that Cook had been stating he had given him something last night; that he had been putting something in his brandy, or something to that effect.—What else did he say? He never played such tricks with people: "I never play such tricks with people," he said.—Did he say anything about his being drunk? Yes, he said, "I can tell you what he was; he was damned drunk."—Palmer said so? Yes.—Was he drunk? No; I should say certainly not.—Had you seen him at dinner on the previous evening? I did not see him at dinner.—Had you seen him after his dinner? Yes; but it was some time after.—From what you observed of him, was he drunk or sober? Certainly sober.

Lord CAMPBELL.—Was he affected by liquor? Not at all, approaching drunkenness.

Mr. James.—On this same morning did Mr. Cook come to your bedroom after he had got up? Yes; he came into my bedroom before I was up.

Mr. BARON ALDERSON.—That was on the same day? Yes.

Mr. James.—How did he appear to be then—in the morning that is? He was looking very ill.—Was he better as regards his vomiting? Much better.—Did you give him back his money? Yes.—Did you see Mr. Cook on the racecourse that day at Shrewsbury; that was on Wednesday? Yes.

Mr. Attorney-General.—This is Thursday.

Mr. James.—Yes, Thursday; did you see him on the race-course on Thursday? Yes.—About what time did you see him on the course? I saw him about three o'clock.—How did he appear then? He looked very ill.—You say you had known Mr. Cook for some years; had you been in the habit of settling his bets for him? Always; I mean when he did not settle them himself.—When he did not settle them himself you were in the habit of paying and receiving for him at Tattersall's and other places? Yes.—I do not know whether you saw Cook's betting-book at Shrewsbury in his possession or not? Yes; I did see his book in his hand.—What sort of a book was it; will you give a description of it? It was a little more than half the size of this (*a small memorandum book*).—What colour was it? I could not remember: as nearly as I can remember it was very near this colour (*a dark colour*).—On the 17th, which was Saturday, did you pay to Mr. Pratt by direction of Mr. Cook any sum of money? Yes, the 17th.—How much did you pay to Mr. Pratt? 200*l.* in a cheque.—The account of what he had won or lost at Shrewsbury in the ordinary course would have been settled at Tattersall's on the following Monday? Yes.—Monday, the 19th? Yes.—As his agent did you expect to have to settle that account? I did.—You advanced the 200*l.* upon the Saturday to pay Mr. Pratt? I did.—You knew he had won at Shrewsbury considerably? I did.—If you had had his account in the ordinary course to settle at Tattersall's on the Monday, should you have been entitled to have deducted the 200*l.* you advanced upon his account to Mr. Pratt? Clearly.—Was that the course of dealing between you? Yes.—You did not settle that account as it turned out? No.—And consequently could not repay yourself that advance?

Mr. Serjeant Shee.—Let him tell the story; do not suggest to him what he is to say. You asked just now "Do not you believe he had won considerably at Shrewsbury?"

Mr. James.—He had said so before. Did you know that he had won considerably at Shrewsbury? I did.

Cross-examined by Mr. *Serjeant Shee*.

How long had you known Mr. Cook? About two years.—Had you known Mr. Palmer about the same time? A little longer.—Had you known that they were a good deal connected in racing transactions? Yes.—Do you know that they were, in point of fact, frequently partners?

Mr. *Attorney-General*.—How do you know anything of the kind?

Mr. *Serjeant Shee*.—He had settled with them.

Mr. *Attorney-General*.—Did you ever settle with them jointly?

Mr. *Serjeant Shee*.—Did you ever settle any transactions for Mr. Cook in which it came to your knowledge while settling them that Mr. Palmer was jointly interested with him? I do not remember anything.—Do you know whether they owned any horses jointly? I do not know.—Did they appear to be very intimate? Yes.—Were they a great deal together? Yes. Were they generally staying at the same hotels? Yes.—Were you at the Worcester meeting? No.—You say you knew that Cook won considerably at Shrewsbury? Yes.—You knew that Polestar was his mare? Yes.—Did you know whether Palmer also won? I did not.—You do not know? No.—At what time did these races begin on Tuesday? I cannot answer to the hour.—About? They generally begin about two.—How soon after that, about, did Polestar run? I cannot answer the question.—Was it an hour or two after? I should think about an hour after the races commenced; as to the time I will not undertake to say.

Lord CAMPBELL.—Polestar would run about 3 o'clock, then? I should think so.

Mr. *Serjeant Shee*.—Did you see Mr. Cook after the race on the course? I did.—Did he appear very much elated? Yes.—Gratified? Yes.—Was it a good race, a near thing? Shee would say.—You say you went in the evening into the room in which Mr. Cook and Mr. Palmer were; you say, I think, that Myatt was also there? Yes; a man I believe to be Mr. Myatt.—Did you see what glasses were on the table? I remember seeing a glass before Mr. Palmer and before Mr. Cook: I could not answer for Myatt's glass; he was sitting in the corner by the fireplace.—Was there a decanter on the table? Yes, I believe there was.—More than one? I do not know; I think not.—Did you observe sufficiently the glasses to see whether both had been drinking? No.—You were asked to sit down by Mr. Cook; was a glass ordered for you? Yes; he asked me to take some.—Was a glass ordered for you? Yes; directly I sat down I believe there was some more brandy ordered.—I do not know if you did take any? I think not; I do not recollect drinking any.—You cannot say positively? I do not recollect taking anything.—You may have taken one glass, then? I was not tipsy; I do not think I drank anything; I will not swear I did not.—You would be likely enough, I suppose, to take a glass of brandy? Yes, I like brandy-and-water.—My learned friend reminds me that you are a wine-merchant; you are a good judge of it by the smell, are you not? I should be; I believe so.—Did you smell this glass; and did you not say, when you had smelt it, that it had a strong smell about it, but you thought there was nothing in it, nothing at all unlike brandy? Yes, I said so.

Lord CAMPBELL.—What did you say? I said I thought there was nothing in it.

Mr. *Serjeant Shee*.—I believe gentlemen in your business are enabled by experience to judge a good deal of the quality of brandy by the smell? The glass was so perfectly empty, it had been so completely drained, that there was very little to smell in it.—Did you count that money? Yes.—Had you been at the Unicorn that afternoon? In the evening.—What time in the evening? I should think quite an hour before that occurred, before I went into that room, perhaps more.—Had you dined at the Raven? Yes.—What time had you dined? We generally dined about 6; I will not swear that I dined exactly at 6.—I do not expect you to fix to an hour, or a quarter of an hour? Between 6 and 7, most likely.—Do you know if Mr. Cook dined there? I cannot say.—Did you see him then, or in the afternoon after? I do not recollect seeing him till I saw him at the Unicorn.—You do not recollect seeing him after the race till you saw him at the Unicorn? No.—Do you know that Palmer left Shrewsbury immediately after the race? There was a report of that kind; I do not know it.—You did not see him after the race that day any more? No.—You saw Cook at the Unicorn; at what time did you see him at the Unicorn? I saw Cook, and Palmer too, at the Unicorn.—That was Wednesday, was not it? It must have been Wednesday night.

Lord CAMPBELL.—You asked him if it was the Unicorn; I thought it was the same night you were speaking of at the Raven? It was Wednesday night, the same night before I saw him at the Raven.

Mr. *Serjeant Shee*.—I asked you if you dined at the Raven; you said you did at about six o'clock: you did not see Cook at the Raven, but you saw him at the Unicorn



late in the evening: what time late in the evening of Wednesday did you see him at the Unicorn?

Lord CAMPBELL.—This was on Wednesday evening? Yes, on Wednesday evening; I should think about nine o'clock, or between nine and ten.

Mr. *Serjeant Shee*.—Was he drinking then? I cannot say; I merely looked into the room and stepped back again.—Did you see who were in the room? I saw Mr. Saunders, the trainer, with Mr. Palmer and Mr. Cook, and a lady.—Did they appear to have glasses of drink before them? I cannot say.—Do you know whether it happened to a good number of people to be ill at Shrewsbury on that Wednesday or Tuesday?—No, I do not know that.—You did not hear of it? No. I had a friend who was rather poorly there, but a different kind of illness to Mr. Cook, not at all serious.—You do not know of many people connected with the races having felt ill and complained of illness? No.—What sort of a day was Wednesday? Rather dull.—Was not it a very wet day; under foot, I mean? It was damp under foot I remember; I do not know that it rained.—Did you see Mr. Cook about the race-course the whole of that day? On Wednesday?—Yes. I saw him several times.—What sort of a day was the Thursday? I remember the weather was rather cold and damp; whether it rained or not I cannot say; I think we had some rain on Thursday, but I will not swear.—Do you know whether Cook and Palmer breakfasted together on the Thursday morning? I do not know, but I believe they did.—Did you see them on the course together in the course of the Thursday? I cannot say I saw them together.—Do you know if they left Shrewsbury together? No, I do not.

Mr. *Attorney-General*.—They came to Rugeley together, you may take that.

Mr. *Serjeant Shee*.—I believe on the 16th of November or the 17th of November you received a letter from Mr. Cook, did not you? I did.—Have you got it? The solicitor has it.—“Rugeley, 16th November, 1855?” It was received on the 17th.—It is dated Rugeley: “Dear Fisher, it is of very great importance to both Mr. Palmer and myself that the sum of 500*l.* should be paid to a Mr. Pratt, of Queen Street, May Fair, to-morrow, without fail. 300*l.* has been sent up to-night, and if you will be kind enough to pay the other 200*l.* to-morrow on receipt of this you will greatly oblige me. I will settle it on Monday at Tattersall’s. I am much better.”

Mr. Barou ALDERSON.—You received that on the 17th; where? No. 4, Victoria Street.—In London? Yes.

Mr. *Serjeant Shee*.—After having told me you received that letter, tell me whether you do not know that for some time before they were jointly connected in racing transactions? I considered they were, but there is no proof of it.

Re-examined by Mr. *Attorney-General*.

Am I to understand you to say that they were partners, or anything of that kind?—I did not say so.—I want to know if you intended to say so? No.—You say they had been intimate and staying at the same hotels: have you known any interruption of the intimacy, any change of feeling on the part of Cook towards Palmer? I could always tell that Cook had no great respect for Palmer.—I do not exactly ask you that; did Cook at any time complain to you of Palmer: do not tell me what he said? I have heard him speak rather disrespectfully of him.—You say the Polestar “won easy;” was it a handicap race? Yes.—My learned friend asked you whether Palmer won; did you happen to know whether Palmer had a horse then called Chicken? Yes.—Did Chicken run? Yes.—On which day? The last day.—That would be the Thursday? Yes.—Did Chicken win or lose? Lost.—Do not tell me if it is not within your personal knowledge: I ask you with regard to your own knowledge, do you happen to know whether Palmer had bets upon that race? I heard so.—My learned friend has asked you whether Cook was much elated by winning the race when Polestar won; was he more elated than people usually are; was there any difference between him and anybody else? Not more so than people generally are.—You were staying at the Raven, I understand? Yes.

Lord CAMPBELL.—Not more elated than people usually are? No.

Mr. *Attorney-General*.—Did you take any brandy-and-water? I do not recollect whether I took any at the first time you are speaking of.—I mean in the hotel; you and your friends who were staying with you? I am not sure that I drank any brandy-and-water.

THOMAS JONES sworn.—Examined by Mr. *Welsby*.

I believe you are a law stationer in Carey Street? Yes.—Were you at Shrewsbury races last November? Yes.—You lodged at the Raven I believe? I did.—On what day did you get there; on the Monday? On the Monday night.—On that night did

Cook sup there with you and Mr. Herring? Yes.—And Mr. Fisher? Yes.—And a person of the name of Gravatt, I believe? Yes.—Did he appear well? Yes.—Did you see him on Tuesday or Wednesday again? I did.—Did he appear quite well on those days? Quite well.—Did you and Mr. Fisher go to the Raven late on Wednesday night, between eleven and twelve? Between eleven and twelve o'clock.—Was Mr. Read also with you there in the same room? Yes.—Did Mr. Cook come into your room and invite you into his? He did.—I believe you went there and found among others Palmer there? I did not go into the room with Mr. Fisher and Read, I went up stairs first.—You went there and found Mr. Palmer there and other persons? Yes.—After the party broke up do you remember Mr. Fisher coming to you, and telling you something about Cook? Yes.—In consequence of that did you go up into Cook's bed-room? I did.—Did you find him complaining of anything? Yes.—What? He complained of a burning in his throat.—Anything more? And he was vomiting.

Lord CAMPBELL.—Did you see him vomit? I saw him vomit.

Mr. Welsby.—Was some medicine brought? Yes.—Some pills and a draught, I believe? Some pills and a draught.—Did Mr. Cook refuse to take the pills? Yes.—In consequence of that did you go to the doctor, Mr. Gibson? Yes, I went to the medical man; I do not know his name.—Did you get some liquid medicine from him? I did.—Did you bring it back and give it to Mr. Cook? I did, a portion of it.—About how much? About a teaspoonful I think; a small quantity I put into a wine-glass, and added some water to it.—Was he then in bed? He was.—I believe after that he took the pills also? He did, about a quarter of an hour after.—Did you then leave him? Yes.—Did you see him again the next morning? I did.—About what time? It was early; it was between six and seven, I think.—How did he appear then? He was still in bed, and he told me he felt easier and better than he did on the previous night.—How did he look; did you observe? No, I did not notice particularly; he looked pale and appeared to be unwell.

Mr. GEORGE READ sworn.—Examined by Mr. Bodkin.

Do you live in Victoria Street, near Farringdon Market? I do.—I believe you keep a house there frequented by sporting men? I do.—Were you acquainted with the deceased Mr. Cook? Yes, I was.—And with the prisoner Palmer? Yes.—Did you see them at Shrewsbury races in November? I did.—Were you there on the Tuesday at the races? I was.—Did you see them both on the course? Yes.—Did you see Cook more than once? I did; I had one bet with him.—Did Cook on that Tuesday appear to be in his usual health? Yes, as well as I had always seen him.—Were you on the course on the following day, the Wednesday? I was.—Did you see him there then? Yes, I did.—Did he appear to be in the same state of health? Apparently so.—What house did you stop at during the races? The Raven.—Did you, on that Wednesday night, go into the room where Palmer and Cook were staying at the Raven? I did.—About what time? Between the hours of 11 and 12, I should imagine.—Was any one else in the room when you went in besides Cook and Palmer? Yes, there was another gentleman, I believe; or there may have been more than one; I think there were more than one.—Did you notice what they were doing? No, I did not: one gentleman was sitting on the sofa; and I saw Mr. Cook standing up, and Mr. Palmer also standing up.—What took you into the room? Merely the usual practice before we retired to bed: we were living in adjoining sleeping rooms: we usually had a glass of brandy-and-water before retiring to rest.—Did you have any brandy-and-water there? I did.—In that room? Yes.—Was the brandy-and-water there when you got in, or was it called for afterwards? It was there.—Whilst you were there, did Cook complain of anything? Yes, he did; I saw he was in pain.—How soon was that after you entered? Almost immediately.—When you observed that he was in pain, did you put any question to him? No I did not; I heard him say to Mr. Palmer that there was something in the brandy-and-water.—Were those the words he used? As nearly as I can remember.—He said so to Palmer? In fact he was addressing us all at the time.—Had you observed Cook to drink any of the brandy-and-water before he made that observation? No, I had not.—What next happened after Cook said that? Mr. Palmer handed me the glass to taste from it.—What was in the glass? Nothing.—Did you make any observation to Palmer upon that? Yes, I said, "What is the use of handing me the glass when it is empty?" I replied that to Mr. Palmer.—Did you observe whether Cook then remained or left the room? I believe he left the room.—Did you see anything more of Cook that night? I did not.—Did you see him on the following morning? I did.—At what time? 11 o'clock in the morning, I should fancy.—Was he up or in bed? Up.—In his bedroom, or below? In his sitting-room.—Did he make any complaint to you about himself? Not to me directly: he said he was very ill; I heard him say to Mr. Herring and Mr. Howard that he was very ill.—He said that in your hearing? Yes.



Cross-examined by Mr. *Serjeant Shee*.

Was it that he was very ill, or that he had been very ill? That he was very ill.—You say that on the Tuesday he was as well as you had always seen him? He was.—Was he generally in good health? I should consider that he was in a delicate state of health in the usual way; he always had a pallid complexion with him, and did not look like a strong man.—He appeared to you to be in a delicate state of health? Yes.—Did you know enough of him to know that he had been in the habit of complaining of being unwell? Never to my knowledge.

Mr. BARON ALDERSON.—You had some of the brandy-and-water yourself? I had.—Did it disagree with you? Not at all.

Re-examined by Mr. *Attorney-General*.

Where was your brandy-and-water got from? From the hotel.—Was it from any that was in the room at the time you went in? There was another decanter sent for immediately after I went into the room; it was not likely that we should take it from that.

Lord CAMPBELL.—It was brought in by the waiter? Yes.

Mr. *Attorney-General*.—You say that Cook was rather a delicate man in point of health? In appearance.—Did you ever know anything specifically the matter with him? Nothing whatever.—Then all you mean is, that he had the appearance of not being a strong man? Yes.—Was he in the habit of attending races generally? I think every race.—And I suppose he was in that pursuit exposed a good deal to the open air—out constantly? The same as the rest of us.—Had you known him at any time to be interrupted by illness from following that pursuit? No, I had not.

Mr. WILLIAM SCAFE GIBSON sworn.—Examined by Mr. *Huddleston*.

Are you assistant to Mr Heathcote, surgeon at Shrewsbury? I am.—On the 14th of November last were you sent for to the Raven hotel at Shrewsbury? I was.—What time did you get there? Betwixt 12 and 1.—At night? Yes.—Did you there see Mr. Cook? I did.—Where was Mr. Cook? In his bed-room.—Was he in bed? No.—Did he make any complaint to you of the state in which he was? He did; he complained of pain in his stomach and heat in his throat; and he likewise told me that he thought he had been poisoned.—Did you feel his pulse? Yes; his pulse was about 90.—Did you look at his tongue? I did; it was perfectly clean.—What else; did he say anything? He appeared very much distended about the abdomen.—What did you recommend him? An emetic; and he said that he could make himself sick with warm water.—I believe you sent the waitress for some warm water? I did.—Was the warm water brought? Yes; about three quarters of a pint. What was done with it? I recommended him a feather, and he said he could make himself sick with the handle of a tooth-brush.

Lord CAMPBELL.—Which he did? Which he did.

Mr. *Huddleston*.—What did he do; did he drink the warm water? He drank all of it.—You say that he said he could make himself sick with the handle of a tooth-brush; did he do so? He did.—Then he was sick? Yes; what came away was nothing but water; it was perfectly clear.—I believe you then told him that you would send him some medicine? Yes.—I believe you did send him two pills and a draught by Read? I did.—What did the pills consist of? Compound rhubarb pills and calomel; it is in the Pharmacopœia.—How many grains? About three grains of calomel.—With the directions that they were to be taken immediately? Yes.—And the draught some twenty minutes afterwards? Yes.—What did the draught consist of? Mistura sennacum; it is known to all medical men.—An ounce and a half of compound of senna? Yes.

Lord CAMPBELL.—It is senna? I believe it is composed of an infusion of senna, sulphate of magnesia, and aromatic spirits.

Mr. BARON ALDERSON.—It is what is called a black-draught.

Mr. *Huddleston*.—Did you afterwards, that same night, see Mr. Jones? I did.—How long was that after you had given the pills and the draught to Read? It could not have been much more than half an hour.—Did you give Mr. Jones any medicine for Cook? I did; I gave him an anodyne draught and paregoric.—Just tell us what that medicine consisted of.

Lord CAMPBELL.—There is no occasion for that.

Mr. *Huddleston*.—That I believe was divided into two draughts? Yes.—Did you see Mr. Cook again after that? Mr. Heathcote saw him the next morning.—Did you see him? No.—You did not see him after that evening? No, I did not see him after the time I was there.

Cross-examined by Mr. *Serjeant Shee*.

Did you form an opinion what was the matter with him? I went to work and treated

it as if he had taken poison.—You took him at his word? Yes.—You did not observe anything in what he vomited which should lead you to think so? Nothing at all in what he vomited.—Did you observe any symptoms from which you could infer that he had been taking any poison? He had pain.—That is not very uncommon, is it? No.—Did he appear to you to have been drinking? He appeared a little excited; he was quite sensible of what he was doing and what he was saying.—But there was the sort of excitement which is produced by drink? Yes; the idea of taking poison would have some effect upon his brain.—You say he appeared a little excited? Yes.—Do you mean that he appeared a little tipsy? No, not tipsy.—But excited by drink? Yes, the brain was stimulated with the brandy-and-water.—In your judgment was what you prescribed for him a good thing if he had taken poison? I should say it was, according to the symptoms that he suffered under.—Would it not be the better way to get it up at once, as quickly as possible? He drank all the warm water that I gave to him.—You did give him a good deal of warm water? Yes, I gave him three-quarters of a pint.

Lord CAMPBELL.—Did you think that it cleansed the stomach? Yes.

Mr. *Serjeant Shee*.—And you thought the calomel was advisable in addition? Yes, on account of his bowels being so distended; he was rather confined.

Re-examined by Mr. *Attorney-General*.

Did you find any bilious symptoms about him? No.

Mr. *Serjeant Shee*.—Did you see anything like bile in the basin? No, not in the basin, but on the edge of the basin there was some which he threw up; it must have been thrown up before.

Mr. *Attorney-General*.—What quantity of bile did you see? About the size of a pea.—The water that he threw off after you got there, I understand you, was perfectly clear? Perfectly clear.—And his tongue, I think you say, was perfectly clean? Perfectly clean.—Is that usually the case in a bilious attack? If his stomach had been wrong any length of time it would have been discoloured.

Mr. *Attorney-General*.—Ann Brooks, my Lord, would come here in the order of witnesses, but she is not here; I must therefore postpone her examination until to-morrow.

ELIZABETH MILLS sworn.—Examined by Mr. *James*.

Were you the chambermaid at the Talbot Arms at Rugeley in November last? Yes.—How long had you been in that service? About two years.—Did you know the prisoner? Yes.—Was he in practice as a medical man at Rugeley? I do not know about that; I know that he was considered a medical man.—Was he in the habit of coming to the Talbot Arms? He was.—Did you know Mr. Cook who died there? Yes.—Do you remember upon what evening Mr. Cook came to the Talbot Arms in November? The 15th, Thursday.—About what time on the Thursday did he come? Between nine and ten I believe.—At night? Yes.—Did any person come with him? Mr. Palmer.—Palmer the prisoner? Yes.—He came in a fly? Yes.—What time did he retire to rest on that night? Between ten and eleven; about half-past ten.—Did he complain at all when he arrived of having been ill? He had been poorly, he said, and was poorly then.—Did he say so? Yes.—Did he say where he had been poorly? He had been poorly in Shrewsbury.—Did Palmer leave him there, or stay with him at all that night? I do not remember seeing Palmer in the house at all after he had got out of the fly.—Did Cook get up on the following day, the Friday, and go out? About twelve, I think; I took him some hot water about twelve; I believe it was about one when he went out.—How did he appear then to be? Poorly; he felt no worse, he said; still he was not well.—About what time did he come home that night to the Talbot Arms? About ten.—Did he make any remark about himself when he returned? When he went to bed he did; about half an hour, I believe, after he came in he went to bed; about half-past ten.—What did he say about himself, and where he had been? I asked him if he felt any worse than he did when he went out; I asked him how he was.—What did he say? That he felt no worse.—Did he say where he had been, or what he had been doing? Yes; he had been to Mr. Palmer's, and had dined there.—Was he sober or intoxicated at that time? Sober.—Perfectly? Perfectly.—Did he ask you for any candle? Yes; he asked me for an extra piece of candle to read by.—Then you saw no more of him, I believe, that night? No.—Upon the Saturday morning did Palmer come over, do you remember, the next morning? Yes; he was over, but I do not exactly know the time.—About what time did he come over? Perhaps about eight it might be when I saw him.

Lord CAMPBELL.—Palmer lived opposite to the Talbot Arms? Yes.

Mr. *James*.—To your knowledge did Mr. Cook send for Palmer or not, or how came Palmer over? I do not know that; not to my knowledge.—When Palmer came over did he order him anything, do you remember? A cup of coffee.—For whom? For



Mr. Cook.—Did he order it in your kitchen at your house? No; I believe he ordered it of me.—Did you give it to Palmer or to Mr. Cook? I believe I gave it to Mr. Cook.—Was Palmer in the room when you gave it to Mr. Cook? I believe he was.—You took it up to the bedroom? Yes.—And Palmer was in Cook's bedroom; was that so? Yes.—Did you see Mr. Cook drink it, or did you leave it there? I left it there.—Where did you place it? In his hands.—In Cook's hands or Palmer's hands? In Cook's hands.—When you went up stairs, did you observe whether the coffee had been vomited into any utensil? The coffee I believe was vomited.

Lord CAMPBELL.—When you did go up, you gave it to Cook? Yes.—Then I suppose you went down stairs? Yes.

Mr. James.—You did not see Cook drink it while you remained there, but you placed it in his hands? Yes.—How soon afterwards was it that you went up into the room and found that the coffee had been vomited into some utensil? I cannot remember.—About how long; half an hour or an hour? It might be an hour or it might be a couple of hours.

Lord CAMPBELL.—When you went into Cook's room what did you observe? The coffee in the chamber utensil.—Where was the chamber utensil? On the table by the side of the bed; he could reach it himself.—Did you observe that the coffee had been vomited into it? Yes.

Mr. James.—Did you speak to Palmer at all about this? I cannot remember that I did.—Or he to you? I cannot remember now.—Did you observe any large jug with toast-and-water in it in the bedroom that morning or during that day? No, I did not see the toast-and-water myself.—Did you observe a jug there? I did not.—Did you observe any jug there that day that did not belong to the Talbot Arms? A jug was sent down, I believe, from the room to me, to make some more toast-and-water; it was not given to me.

Lord CAMPBELL.—When did you first see the jug? On the Saturday night; it would be as late as 10 o'clock.

Mr. James.—A jug was sent down to you for what purpose? For some fresh toast-and-water.—From Cook's room? Yes.

Lord CAMPBELL.—Who brought it down? The waitress, I believe, brought it down stairs.

Mr. James.—What is her name? Lavinia Barnes.—For you to make some fresh toast-and-water, I think you said? Yes; she said that she had thrown out the crust of bread which was in the jug.—Did that jug belong to the Talbot Arms or not? No.—You are quite sure of that? Quite.—And that was brought from Cook's room? Yes.—How often was Palmer, to your knowledge, in Cook's room during that Saturday? how frequently did you see him there? I cannot remember; he might come and go without my seeing him.—But how often do you think you saw him there during that Saturday? Perhaps four or five times.—In Cook's room, I believe? Yes.—You saw him in Cook's room or go into the room? Yes, or at the door, either going in or coming out, sometimes in the room.—Did you hear Palmer say anything, or did Palmer say anything to you about sending Cook over some broth that day? I heard him say to Mr. Cook that he would send over some.—Do you remember any broth coming over? did you see it yourself or not? I saw the broth in the kitchen; I did not see it brought over; it had been sent over, they said, by Mrs. Rowley.—You saw the broth that some person had brought? Yes.—Was that broth made at the Talbot Arms kitchen? The cook told me that it had come over from Mrs. Rowley.—You must not tell us what the cook told you; had that broth been made at the Talbot Arms? No.—Did you yourself take the broth up to Cook that day? The second time I did.

Lord CAMPBELL.—What do you mean by "the second time"? I believe as soon as the broth came in my fellow-servant the waitress took it up stairs.

Mr. James.—Lavinia Barnes? Yes; she took it up to him, and he refused to take it.

Mr. Serjeant Shee.—You must not tell us that.

Mr. James.—We will prove that by her. (*To the witness*) You took it up later in the day? Yes.

Lord CAMPBELL.—To Mr. Cook's room? Yes.

Mr. James.—After, as you believe, Lavinia Barnes had taken it up to him, did you meet Palmer? Yes, on the stairs.—About what time was that? About ten minutes or a quarter of an hour after the broth came over.—From whence was Palmer coming? He was coming up the stairs I believe, and I was coming down.—He was coming up to Cook's room from his house; what did Palmer say to you? He asked me had Mr. Cook

had his broth.—What did you say to him? I told him that I was not aware that there was any come for him.—While this conversation was going on did the waitress Lavinia Barnes come forward? Yes.—Where did she come from; some room I suppose? Yes, out of the commercial room.—Did she say anything to Palmer? I believe she had heard what had passed between Palmer and myself.—What was said then? She said that she had taken up the broth to Mr. Cook as soon as it had come, and that he had refused to take it, saying that it would not stay on his stomach.—Did Palmer say anything then? Yes.—What? That I must go and fetch the broth; that he must have it.—What did you do? I fetched the broth; I took it into the room; Mr. Palmer was there.—Where did you place it? I cannot remember whether I gave it to him or whether I gave it to Mr. Cook; but I know that I left the two together.

Lord CAMPBELL.—You left it? Yes.

Mr. James.—Are you quite sure that this was some of the same broth which had been sent over, and not made at the Talbot Arms? It had been brought down stairs, and put on a table, and never moved.—You are sure? Quite sure.—Some time afterwards did you go up and find this broth again? Yes.—Where did you find it? In the chamber utensil.—You found that it had been vomited? Yes.

Lord CAMPBELL.—How long afterwards? I cannot exactly remember.

Mr. James.—About an hour or an hour and a half? It might be, or it might be two hours, or it might be less.—On that evening about 6 o'clock was any barley-water made in the hotel for him? Yes.—Did you take it up to Cook? Yes.—When you took it up was Palmer there or not? I cannot remember.—However, it was made in the hotel? Yes.—Did that stay upon his stomach? did he take that? I do not know whether that did or not; sometimes it would, and sometimes it would not.—Do you remember whether it did or not? I cannot.—Do you remember some arrowroot at 8 o'clock that evening? Saturday?—Yes. Yes.—Where was that made? In the kitchen.—Did you take it up? Yes.—Who were there when you took that up? That I cannot remember.—Do you remember whether Palmer was there or not? I do not.—Was that retained upon his stomach or not, do you remember? I cannot remember.

Lord CAMPBELL.—Did you see it in the chamber utensil? That I do not know.

Mr. James.—When was Mr. Bamford called in? when did you first see him? I believe on the Saturday; Saturday I believe was the first time I saw him, about 3 o'clock in the afternoon; he might have been there some time in the day before, but I do not know.—On the Sunday morning about what time did you go into Mr. Cook's room? Perhaps between 7 and 8.—Had any person slept in the same room that night? Mr. Smith, I believe.—Who is Mr. Smith? Jerry Smith, a lawyer.—He is called Jerry Smith, a lawyer? Yes.

Lord CAMPBELL.—He had slept in his room that night? Yes.

Mr. James.—Do you know whether Jerry Smith is a friend of Palmer's or not; have you seen him with him? Yes, I have seen him with him.—You went in about eight o'clock; how did you find Mr. Cook? what did he say when you went in on the Sunday morning? I asked him if he felt any worse; he said he felt pretty comfortable, and had slept well since twelve o'clock.—Upon this Sunday was any more broth brought over? Yes.—About what quantity should you say? A large breakfast-cup.—Who brought it to the Talbot Arms? Charles Horley, I believe; I did not see him, but I heard that he had brought it.—Who is Horley; do you know? I do not exactly know.—However, it was not made at the Talbot Arms; of that you are quite sure? It was not made at the Talbot Arms.—About what o'clock on the Sunday was it brought? Between twelve and one.

Mr. Serjeant Shee.—You saw it at that time? I saw the broth; I did not see it come into the house.

Mr. James.—Did you take any of it up to Mr. Cook's room? Yes.—In the same cup in which it was brought? Yes.—Was it brought hot, then, ready for drinking? Yes.—And you took it up to Cook's bedroom in the same cup in which it had been brought? Exactly as it came over.—Did you taste any of that? Yes.—Before you took it up to Mr. Cook's room? Yes.—How much do you suppose you drank? About two tablespoonfuls.—You must describe exactly what the effect of that was upon you; were you sick? Yes.—How soon after you had taken it were you sick? In about half an hour, or it might be more; it was not more than an hour.

Lord CAMPBELL.—Did you vomit? Yes.

Mr. James.—How frequently? All the afternoon, till about five o'clock.—Violently? Violently.—Were you obliged to retire to your bedroom? Yes.—And go to bed?—Yes.

Lord CAMPBELL.—You were obliged to go to bed? Yes.



Mr. *James*.—Did you vomit many times? A great many times.—Up to that time had you been quite well; were you quite well at that time when you took the broth? Yes; I felt perfectly well during the morning.

Lord CAMPBELL.—Had you recently had any ailment? No.—You had no nausea? No.

Mr. *James*.—Had you taken anything that had disagreed with you at all? Not that I am aware of.—Had you had your usual breakfast? Yes.—And this was between twelve and one when you tasted this broth as you took it up? Yes.—Before your dinner? Yes. You took it on an empty stomach, then; up to what time did you remain ill in your room from this excessive vomiting?

Mr. BARON ALDERSON.—Till about five o'clock, she says.

Mr. *James*.—You say you were ill in this way till about five o'clock? Yes.—At what time were you able to go down to your work again? Before six; about a quarter before six.—During the Sunday did you see Mr. Cook several times? In the evening and in the morning; I did not see him at all in the afternoon.—You were ill in your room; but in the evening, after you had to some extent recovered, did you see him? Yes.—How did he appear during that evening; better? Yes; I did not see that he was any worse.—With the exception of his vomiting this broth and these things which were taken to him, did you observe anything? He appeared in good spirits.

Lord CAMPBELL.—Do you suppose that he had any bowel complaint? No, I do not think that he had.

Mr. *James*.—Was there any discharge from the bowels, or was it, as far as you observed, confined to this vomiting? There might be a little on the Saturday.—How much? About once, perhaps.—Then was the illness from which he appeared to be suffering from the vomiting after he had taken this broth and these things which were sent to him? Yes.—What was the latest hour that you saw him on the Sunday night? It might be about 10; it might be after that; not much after that.—At what time do you think you saw him on the Monday morning? Between 7 and 8.—You went into his room? Yes.—You took him up his breakfast; what did you take him up for breakfast that morning? A cup of coffee.—Did you see him drink that or not; do you remember? No, I do not think I remained with him while he drank it.—Did he vomit it or not? He did not.—Had Palmer been there? Yes, he was there in the morning.—About what time in the morning? I saw him there about a quarter past 7; it might be a quarter or it might be half past 7; I cannot exactly remember the time he was there; some time that morning.—Did he see Cook that morning? I do not know; I saw him coming down stairs, as though he had been to see Mr. Cook.—What time did Mr. Cook get up on that Monday? 1 o'clock.—From about a quarter past 7, when you saw Palmer coming down stairs in the morning, did Palmer come again to him till about 10 o'clock that night; was Palmer there during the day of Monday? Not that I am aware of.—When did Cook get up on the Monday? About 1.—How did he appear when he got up on the Monday? He appeared a great deal better.—Did he wash and dress himself? Yes, he washed, and dressed, and shaved.—He appeared, as you say, a good deal better? Yes, he said he felt better, only exceedingly weak.—Did he dress himself entirely? Yes, just as if he was going out.—Did any persons come to see him on that Monday? Yes.—Who? Ashmall the jockey, and Mr. Ashmall's brother and Mr. Saunders.—Saunders was his trainer, I believe; did any others visit him that day that you remember? Not that I am aware of.—What food did he take that day? I gave him some arrowroot about 1 o'clock, as soon as he got up, and some dry toast.—Did he retain it on his stomach? Yes, that remained.—What else did he have during that day, do you remember? I believe a cup of coffee, but I do not remember about what time; perhaps about 4 or 5.—You saw him during the afternoon? Yes.—And did he continue better while he was up? Yes, he sat up until about 4 o'clock.—About what time that evening did you again see Palmer? Between 9 and 10.—Did he go to Cook's room, or where did he go? Yes, he sat down in Mr. Cook's room.—Did you leave Palmer in Cook's room when you retired to bed that night, do you remember? I do not remember.—Did you ever see Cook again till you were called in when he was seized with his attack? It might be about half past 10 when I left him, but whether I left Mr. Palmer with him I do not remember, and I did not see him again until about a quarter before 12.—Do you remember any pills being brought that Monday night by Mr. Bamford? Yes, I remember a box; I do not know whether it was pills; I do not know what it contained, but something was given to me.

Lord CAMPBELL.—A pill-box? Yes.—At what hour was that? About 8.

Mr. *James*.—Who gave you that box? Miss Bond, the housekeeper.—To take to Cook's room? To take up stairs to Mr. Cook's room.—Did you take it to Cook's room?

Yes.—Where did you place that box? On the dressing-table.—When you say a box, was it a pill-box or not? Yes, it appeared so to me.

Mr. BARON ALDERSON.—Was it in paper? Yes, it was wrapped up in white paper.

Mr. James.—You placed that on the dressing-table in Mr. Cook's bedroom? Yes.—Had you done that before Palmer came? I had not seen Mr. Palmer since the morning.—Palmer came and went into Cook's room after you had placed those pills or that box on Cook's dressing-table? Yes.—And you left it there? I left it there.—You saw, you say, Palmer, the prisoner, sitting down; was he sitting down by the side of Cook's bed, or where? He was sitting down by the fire.

Mr. BARON ALDERSON.—This was at 8 o'clock, when the pill-box came, and she saw Cook and Palmer together between 9 and 10?

Mr. James.—Exactly, my Lord.

Mr. BARON ALDERSON.—It is not as if one came immediately after the other?

Mr. James.—No, my Lord; it occurs from a little break in the instruction—it is perfectly clear. (*To the Witness*) You retired to rest? Yes.—About what time? Between 10 and 11.—Did the waitress, Lavinia Barnes, call you up? Yes.—About what time was it that you were called up? It might be a quarter or ten minutes before 12; I did not look, but I should fancy from the time when the clock struck that it would be that.—Did you hear any screaming? Yes, violent screaming.

Mr. Serjeant Shee.—What did you hear? It is very important to have this regularly.

Mr. James.—What did you first hear when you were called up?

Mr. BARON ALDERSON.—What noise? Whilst I was dressing I heard him scream violently.

Mr. James.—Did those screams come from Cook's room? Yes.—More than once? Twice.—Is your room over his? No.—Where is it in relation to his? It is not exactly over his, it is up above.—On another story? Yes.—And you heard the screams in your room? Yes.—Did you go down to his room? Yes.—Did you enter Cook's room? Yes.—Describe what you first saw, what he said to you, and what you saw; what was he doing? As soon as I entered the room I found him sitting up in bed; he desired me to fetch Mr. Palmer directly. I told him Mr. Palmer was sent for, and walked to his bedside.

Mr. BARON ALDERSON.—You walked to his bedside? Yes; I found the pillow upon the floor.

Lord CAMPBELL.—What light was there in the room? One mould candle burning.

Mr. James.—When you got to his bedside, what did you observe? I picked up the pillow and asked him would he lay down his head.—Was he at that time sitting up? Yes.—What was he doing when you went to the bed; what did you observe? He was beating the bedclothes.—In what manner? Like this, with his arms and hands (*describing it*).

Lord CAMPBELL.—With both his hands? With both his hands and arms stretched out.

Mr. James.—Stretched out? Like this.—Were his arms stretched out? They were, in this form.—I think you said stretched out? Yes.—Having picked the pillow up, you asked him to lay his head down? Yes.—What did he do then? He said, "I cannot lie down. I shall suffocate if I lie. Oh, fetch Mr. Palmer!" very loud he called.—Did you observe his legs at all? No, not then.—Did you observe his arms? His body, his head and neck, were moving then; a sort of jumping or jerking.—Was his head back at all? His head was back; sometimes he would throw back his head upon the pillow, and then he would raise himself up again.—Where was this jumping or jerking; in his head? All over his body.—Did you observe any difficulty about his breathing? Yes, very bad.—Did you observe anything about his mouth or his eyes? Yes; the ball of the eyes very much projected.

Lord CAMPBELL.—Of both eyes? Yes.

Mr. James.—Did you observe any gasping when he spoke? Yes; it was difficult for him to speak, he was so short of breath.—Did he scream again while you were in the room? Yes, three or four times.—Was that while he was doing this? Yes; he was moving and knocking about all the time.—Did he give utterance to any words in his screaming, or was it a mere convulsive scream, or what was it? He called aloud "Murder" twice.—After the beating had gone on with his hands and arms, as you have described, did you observe any stiffness about his arms or hands? He asked me to rub one hand.



Mr. *Serjeant Shee*.—I must request my learned friend to ask the witness what she observed and not to suggest.

Mr. *James*.—I must ask you to object to any question which I put.

Mr. *Serjeant Shee*.—I object to my learned friend suggesting any symptom; let the witness state the symptoms which she observed: that suggestion was very important.

Lord CAMPBELL.—“He asked me to rub one of his hands.”

Mr. *James*.—In what state did you find it? I found it stiff.—Do you remember which hand it was you rubbed? The left hand.

Lord CAMPBELL.—Just describe a little more particularly what you mean by “stiff”? It appeared to be stretched out as though the fingers were something like paralysed.—Did they move? No, they did not.—Was the hand open or shut? Like this (*about half-shut*); it seemed to me to be stiff all the way up his arm.—Had your rubbing him any effect? I did not rub him very long; as soon as he thought I had rubbed it sufficiently he thanked me.—Was the stiffness gone? No, I did not perceive that it was gone.

Mr. *James*.—During the time that he was suffering in this way did Palmer come in? Palmer was there in the room when I rubbed his hands.—While this jerking of the body was going on as you have described, was he conscious? Yes.—Quite? I noticed him to twitch too while I was rubbing his arms; the arms and the body also.

Lord CAMPBELL.—You observed the body to twitch? Yes; he seemed to twitch altogether.—All over him? Yes.

Mr. *James*.—While this was going on was he conscious? Yes.—Quite? Perfectly; he seemed to be knowing all that was going forward.—When Palmer came in did he recognise him or not? Yes.—Did he say anything to Palmer? Yes; he was throwing himself about the bed, and he says, “Oh! Palmer, I shall die;” or “Oh! Doctor, I shall die.”

Lord CAMPBELL.—He addressed Palmer when he said “Oh! Doctor, I shall die”? Yes.

Mr. *James*.—Did Palmer make any reply? His reply was, “Oh! my lad, you won’t.”—Did Palmer leave to fetch something, do you recollect? Yes.—He left the room? Yes.

Lord CAMPBELL.—Immediately after that? I do not know exactly what he said or what he did; he stayed just to look at him or so, and then he went away; he asked me to stay by the bed-side with him.

Mr. *James*.—How long was it before Palmer returned? Very shortly, I should think as quick as he possibly could go over.—A few minutes? Yes, perhaps a few.—During that time did you continue rubbing his hands? No, I merely stood by the bed-side.—When Palmer came back did he bring anything with him, or what did he do? He brought some pills.—Anything else? He gave him something else, but whether he brought it with him or not I do not know; he gave him a draught from a wine-glass.—And the pills? First the pills and then the draught.—Did he retain the pills on his stomach? When he gave him the pills he said they were in his throat, they stuck fast in his throat, he could not swallow them.

Lord CAMPBELL.—Mr. Cook said so? Yes; Palmer desired me to give him a teaspoonful of toast-and-water.

Mr. *James*.—Did you do so? Yes.—Did he take the toast-and-water? Yes; when I gave it him from the spoon, his body was then jerking and jumping.—Did he swallow the toast-and-water? When I gave it him from the spoon, he snapped in that sort of way at the spoon: he like snapped at the spoon, like that (*describing it*), with his head and neck, and the spoon was fast between his teeth.—That was while you were in the act of pouring the toast-and-water? Yes.

Lord CAMPBELL.—You say, when you gave him the spoon he snapped at it and got it between his teeth? Yes, and it was difficult to get it away; he seemed to bite it very hard.

Mr. *James*.—You say he snapped at it with his head and neck? Yes, in that sort of way; when he snapped, of course his head and neck moved forward.—Did he move his whole head and neck when he did so? If this was the teaspoon, it was in this sort of way (*describing it*).—His head went forward, did it? Yes, as I have described.—While this was going on, did the water go down his throat and wash the pills down? Yes.

Lord CAMPBELL.—He had taken the pills before? Yes, but he could not swallow them, he said.

Mr. *James*.—What happened then, after the effect of it had been to wash the pills

into his stomach? Mr. Palmer handed him the draught then from a wine-glass: a liquid.—Something liquid? Yes.

Lord CAMPBELL.—You say Palmer gave him a draught? Yes; in a wine-glass three parts full, of a dark, thick, heavy-looking nature.

Mr. James.—Did he drink it? Yes.—Did you smell it at all? He snapped at the glass just the same as he did at the spoon.

Lord CAMPBELL.—Did it seem to be an involuntary motion when he was snapping? Yes; his body was altogether jerking and moving.

Mr. James.—Did he seem as if he could control himself in it? Not exactly.—What happened then; did he get it down his throat? Yes, he swallowed it.—What happened then? It was vomited up immediately.—Upon that, did Palmer make any remark or do anything; into what was it vomited; into some utensil, I suppose? Into the chamber-utensil.—Who held it? It was placed upon the bed, and I supported his forehead with my hand while he vomited.—What did it smell like, the stuff he vomited? Opium, I should think.—Did Palmer say anything, or do anything, as to the pills? He hoped the pills were not returned; I do not know whether he said he hoped the pills had stayed, or he hoped they had not returned; and he searched for the pills.—With what? With a quill off the dressing-table.—In the utensil? Yes.—Did he find the pills? He said, “I cannot find the pills,” and he desired me to take it away and to pour it carefully, and see if I could find the pills or see the pills; I did so, but I could not see the pills at all.—What happened then; did you take away the contents of the utensil? Yes; I took away the contents and came back to the room.

Lord CAMPBELL.—You brought it back? Yes.

Mr. James.—You emptied the contents of the utensil I suppose, and brought it back? Yes.—Did he get better? Yes, he seemed to be more easy.—How long did this second attack last from the time you went into the room, the beating of the bed-clothes and so on, to the time he got more easy; how long do you think he was suffering in that way? I should think half-an-hour, or it might be more.—Then he got more composed? Yes.—During the whole of that time I think you say he was quite conscious? Yes, he appeared to be conscious; he seemed to be knowing all that was going forward.—Do you recollect his asking Palmer anything about his heart; to feel his heart? Yes.—Was that after he got more composed? He seemed to be a great deal quieter then, and lying down.—Did he say anything to Palmer then about his heart? He desired him to come and either to feel his heart how it beat, or something of that kind?—What did Palmer do? He went to his bed-side, and I do not know whether he placed his hand to his heart, or the side of his face, I cannot recollect which.—Did he make some observation? Yes, some slight one; that it was all right, or something of that kind. It was quite a slight remark.—What time did you leave him that morning; I have got to the morning now; what time did you leave him? About 3 o'clock.—Was he asleep when you left him? No.—Did you leave Palmer in the room with him? Yes; Mr. Cook was dozing when I left him; he appeared to be asleep, but he was not so, as I learnt the next morning.

Mr. Attorney-General.—Who do you mean, Palmer or Cook? Cook; he was not asleep, he told me the next morning he heard me go out.

Mr. James.—Where did you leave Palmer? In the easy chair.—Was Palmer asleep or not? I believe so.—Asleep in the easy chair? Yes.—You left about 3 o'clock you say, and went to rest? I retired to the next room just to lie down; I did not go any further than the next number, close to his door.—About what time on Tuesday morning did you see Cook again? Six o'clock, I think.—Did he describe his feelings to you at that time how he was? I said, “Has Mr. Palmer gone?” he said “Yes; he left about a quarter before 5.” I asked him how he felt and whether he had been any worse; he said, No, he had been no worse since I left him in the morning. I said, “You were asleep when I went down?” he said, “No, I heard you go.”—Did he say anything of his sufferings the previous night? He asked me if I had ever seen any one suffer, or any one in such agony as he was last night; I said, No, I never had.—Did he describe any more what it was? He said he should think I would not wish to see any one ever like that again?—Did he say how it happened, or what caused it? I asked him; I said, “What do you think was the cause of all that, Mr. Cook?” and he said, “The pills that Palmer gave me at half-past 10.”—What more was said, do you remember? I do not think anything more was said.—During that day how was he? I asked him then, would he have a cup of coffee, or if he would take anything; he said, No, not then.—Was Palmer with him again on that Tuesday? I do not remember seeing him that Tuesday morning till he was sent for. I did meet him on the stairs that morning, but I did not see him in the room.—On that morning when you saw him, on the Tuesday, did



you observe any of those jerking or convulsions about him? No, he seemed quite composed and quiet.—Did he think of getting up that morning? I noticed at the time the eyes looked very wild.—Did you observe any of that beating or convulsion? No; his body seemed to be quite quiet, there was nothing moving about the body, but the eyes looked very wild.—You say you did not observe any of that jerking or twitching? No; he appeared as if he wanted to settle down and be quiet.—About 12 o'clock was any preparation made to shave him; did you send for a barber? No.—What was done at 12? About 12 o'clock he rang his bell and desired me to send the Boots over to ask Palmer whether he might have a cup of coffee.—Did Palmer come? The Boots returned and said he might have a cup of coffee; Mr. Palmer would be over immediately.—Did you take the coffee up? Yes.—About what time was it you took the coffee up? A little after 12.—When you took it up I think you said Palmer was in Mr. Cook's room? Yes.—Where did you put the coffee, do you remember? I gave it to Mr. Palmer.—Shortly afterwards did Palmer say anything to you about the coffee? Mr. Palmer tasted the coffee.—In your presence? Yes, to see whether it would be too strong: I gave it into his hands, and he tasted the coffee to see whether it would be too strong for Mr. Cook.—And you left it in his hands? I left it in his hands.—And left the room? Yes.—Shortly afterwards did you hear anything from Palmer of this coffee; did you see whether the coffee had been vomited or not? I do not know whether it was then or whether it was after 4 o'clock.—At what time did Mr. Jones arrive on that day? By the 3 o'clock train, I believe, in the afternoon.

Lord CAMPBELL.—From Lutterworth? Yes.

Mr. *James*.—Did Mr. Jones go and see Mr. Cook upon his arrival in his room? When first I saw Mr. Jones I found him in Mr. Cook's room.—After that you took him up some coffee again? Yes.

Lord CAMPBELL.—When? It might be about 4, or it might be between 4 and 5.—Another cup of coffee? Yes.

Mr. *James*.—After you had given him that quantity of coffee about 4 o'clock did you see Palmer? Yes.

Lord CAMPBELL.—Who gave him that coffee? I cannot remember.—Did you leave it in the room? Yes, I did; but whether Mr. Palmer was there I cannot remember now.

Mr. *James*.—After you had taken up this coffee did you see Palmer? Did he say anything to you? Yes.—What did he say to you? He opened the door and asked me to empty it out; that Mr. Cook had vomited the coffee.

Lord CAMPBELL.—Did he call you in? He gave it me at the door; he did not call me in at all.—You were passing the door? Yes.—How long after? I do not think it could be an hour.

Mr. *James*.—Was Palmer there when you took that coffee up and left it in the room? I cannot remember.

Lord CAMPBELL.—What did he give you? He gave me the same utensil, and said that Cook had vomited the coffee.—Was the coffee in this utensil? Yes.

Mr. *James*.—During that evening did you see Cook several times before you retired to rest? Yes.—How was he going on during that evening when you saw him? He appeared to be in very good spirits; he was talking about getting up the next morning.—Did he say anything about being shaved the next morning? Yes, he did; he said that he would have the barber sent for.—Did you also give him some arrowroot that evening? I believe I did.—At what time did you see him last that evening? When was the last moment you saw him? It was not later than half-past 10.—Was Palmer with him when you left him? Yes.

Lord CAMPBELL.—He was in his bedroom? Yes; I gave him a jug of toast and water at the door.

Mr. *James*.—You gave that to Palmer for Cook? Yes; Mr. Palmer said to Mr. Cook, "Can this good girl do anything more for you to-night?" Mr. Cook said, "No; I shall want nothing more. Good night."—That was as late as half-past 10? Was that said by Mr. Cook in a composed and comfortable manner? Yes.—I believe you did not go to bed that night? No.—Where did you remain? In the kitchen.—You were anxious probably to see how Mr. Cook went on? Yes, I was.—While you were in the kitchen was the bell of Mr. Cook's room rung? Yes.—Violently? Violently.

Lord CAMPBELL.—Were you asleep at that time? No.

Mr. *James*.—About what time? A little before twelve; ten minutes perhaps before twelve.—It was as nearly as possible the same time as on the previous night? Yes, it was.—Mr. Jones was sleeping in his bedroom? Yes.—It was a double-bedded room? There

was a bed made up for Mr. Jones.—Did you go up stairs to Mr. Cook's room on hearing the bell? Yes.—In what state did you find Mr. Cook? I believe he was sitting up in bed; Mr. Jones appeared to be supporting him; I think he had his arm round his shoulder. Mr. Cook said, "Oh, Mary, fetch Mr. Palmer directly."—Cook was conscious, then? Yes.—He spoke to you and knew you? Yes.—What did you do? I went over for Mr. Palmer; I rang the bell, the surgery-bell, at the surgery-door; Palmer came to the bedroom window.—How soon did Palmer come to the bedroom window after you rang the bell? As soon as I stepped off the step into the middle of the road; I expected him to come to the window, and as soon as I stepped off into the road he was there; he did not put up the sash.—You observed him at the window; you say he did not put up the sash of the window? No.—Was there a light in his bedroom, did you observe? I could not discover one.—How could you see then; was it dark, or was there gas, or what? I could not positively see him; I could hear him; I could not discern him; he merely opened a small easement of glass on one side.—And spoke to you? Yes.—Could you at that time see whether he was dressed or not? I could not.

Lord CAMPBELL.—Could not you see him at all? No, I could not; I heard him.

Mr. James.—You heard his voice? Yes.—You knew his voice? Yes.—What did you say to him? I asked him to come over to Mr. Cook directly; that he was much the same as he was the night before.—What did Palmer say? I do not remember what answer he gave me; I turned round and went across again.—You went back to the hotel? Yes.—How soon after did Palmer come? Two or three minutes.—Were you in the bedroom when Palmer came? Yes.—When Palmer came in did he make any observation about dressing? He never dressed so quick in his life, I think he said.

Lord CAMPBELL.—When he entered Cook's room? Yes.—Was that the first thing he said? That was the first thing he said.

Mr. James.—When you went into the room, in what state was Mr. Cook; was Mr. Jones still with him? Yes, he was.—Was he sitting up in the bed? Yes, much the same as he was when I left.

Mr. *Serjeant Shee*.—I must ask my learned friend again not to suggest; he is suggesting: "Was he sitting up in the bed?" The moment before he asked, "Did he say anything about his dress?" There is a suggestion every instant.

Lord CAMPBELL.—It seems to me that the examination is conducted with perfect fairness. Nothing has been put in the shape of a leading question about anything which has been hitherto doubtful.

Mr. James.—You said that you left the room and Cook was sitting up, and Jones, I think you said, supporting him, when I was interrupted; was that so? I believe he was.—Where did you remain when you left the room? After Mr. Palmer came?—Yes. In the landing just outside the door.—Did you wait there? Yes.—After you had been waiting there some short time, did Palmer come out? I believe he did; yes.

Lord CAMPBELL.—About how long? A minute or two, very shortly.

Mr. James.—Did you speak to him? Yes.—What did you say to him when Palmer came out from Cook's room? I said, "He is much the same as he was last night. Mr. Palmer."—Did Palmer make you any reply? He said, "Oh, he is not so ill by the fiftieth part."—Anything else? No; he was then going down stairs as though he was going into his own house.—Did he return? Yes.—How long do you think Palmer was absent, from his leaving you on the landing until his return to Cook's room? I do not remember; a very short time.—Did he come back to Cook's room? Yes.

Lord CAMPBELL.—That was after his going down stairs; did he go down; did he leave the house? Yes, he left the house.

Mr. James.—He went down and returned in a very short time to Cook's room? Yes.—Did you go into the room after Palmer had returned? I believe I did.—Did you hear Mr. Cook make any request about being turned over? I believe I did; yes.—What did he say? I believe it was "Turn me over on my right side;" I believe it was "my right side."—To whom did he say that; who was in attendance upon him at that time? I was not in the room at that time; I was at the door.—You think you heard it through the door? I think I heard it through the door; the door was open, and I was at the door.—Then you went in? No, I did not.—Did you go in? No.—Were you in the room when he died? I do not think I was.—Not at the moment of his death? Not at the moment he departed.—Did you go into the room immediately after his death? I went in, I believe, just before he died, but I came out again; I was not in, I believe, when he departed.—Did you see Mr. Jones in attendance upon him a few minutes before he died? Yes.—What did you see being done when Mr. Jones was in attendance upon



him; what was he doing? He was supporting him I think. I believe the last time I saw him he had his right arm under Mr. Cook's head.—Will you describe all you saw? Mr. Palmer was then feeling Mr. Cook's pulse, and he said to Mr. Jones "His pulse is gone." Mr. Jones pressed the side of his face to Mr. Cook's heart. Mr. Jones lifted up his hands in that way (*describing it*), but never spoke.—Did you understand from that that he was dead? Mr. Palmer asked me to fetch Mr. Bamford, and I went over for Mr. Bamford.—From the time that you were called up this night at about 10 minutes before 12, till his death which you have just described, how long do you think elapsed from the time when he was first seized? It might be three-quarters of an hour.

Mr. BARON ALDERSON.—He died before 1 o'clock? Yes.

Mr. *James*.—Did you leave the room after the death? When I went to fetch Mr. Bamford I did not go into the room again; Mr. Bamford came over, and I saw him when he came down stairs, and he said, "He is dead; he was dead when I arrived."—After you had fetched Mr. Bamford, did you go up stairs upon the landing again and remain upon the stairs? When Mr. Bamford came out and told me that Mr. Cook was dead, I went on to the landing and sat down upon some stairs; I sat there about ten minutes, and Mr. Jones came out of the room and looked at me and said, "Mr. Palmer wants you," or, "Will you go into that room?", or something of that sort; I do not know exactly the words.—The room that had been Cook's, where he had died? Yes; it was in a low voice, so that I could not catch some of the words.—Did you go into the room where Mr. Cook was lying dead? Yes.—Was Palmer there? Yes.—Was any one with Palmer? No.—When you went into the room did Palmer speak to you? Yes; I said, "It is not possible that Mr. Cook is dead."—What did Palmer say? He said, "Oh! yes, he is dead."—Did he go on to speak to you? Nothing more then, not that minute; he asked me who I thought would come to lay him out; I mentioned two women that I thought Mr. Palmer knew; he said, "Those are just the women;" I said, "Shall I fetch them?" he said, "Yes."—Had you seen in Mr. Cook's room during the time he was there a book? Yes.—Will you describe what sort of a book it was? A dark book, with a gold band round the edge.—About what sized book was it? Not a very large one, with a clasp at one end: it was not exactly a square one; rather more long.—Had you seen him in possession of it when he had stopped at the Talbot Arms before? Yes.—On his way to the Liverpool races? Yes.—The same book? The same book.—I think you said it was rather more long, with a gold border or band? Yes.—And a clasp at one end? Yes.—Did you observe any pencil; did you see the head of any pencil? Yes.

Mr. BARON ALDERSON.—A pencil going into it? Yes, a case on one side to admit a pencil.

Mr. *James*.—How long before had it been that he had stopped at the Talbot Arms, on his way to the Liverpool races, when you had seen that book? I cannot say; two or three months before.—How shortly before he died had you seen that book in Cook's room? On the Monday night.—Where had you seen that book? I gave it him from the dressing-table to his bed.—Was that before his attack on the Monday night or after? Before; I took it from the looking-glass; he asked me to give him that book off the looking-glass.—For what purpose did he want it? He asked me to give him the book and a pen and ink and some paper, that he was going to write, and I gave them all to him.

Lord CAMPBELL.—You gave him the book in bed? Yes; I handed them all to him in bed.

Mr. *James*.—About what time in the evening would that be? Between seven and eight on the Monday night.—That was, of course, before his attack? Yes.—After he had written or copied, or whatever he had done with it, what did you do with the book? He took from the book a postage-stamp.—Did you observe whether there was any case or pocket in the book? At one end there was, where he took the stamp from.—What did you do with the book after he had taken the stamp from it? I placed it back on the looking-glass on the dressing-table.—That was about eight o'clock? Between seven and eight.—Did you place it outside, or in a drawer? Outside.

Mr. BARON ALDERSON.—On the frame of the looking-glass.

Mr. *James*.—Was that at his request? Yes.—I think you stated that after that time Palmer went to his room on that night; Palmer was there? Yes.—Did you ever see that book after that time? Not to my knowledge.—Have you searched the room; did you search the room for it when Cook had died, when it was pointed out to your attention? Not the night he died.—But afterwards did you make search for it? Yes; the first time I was requested to do so I did.—You searched everywhere you could to find it? Yes.—When you went into the room where Cook's body was lying, and Palmer was

there, did you observe the clothes which Cook had worn; where were they placed? On a chair, I believe, somewhere.—Did you see Palmer do anything with his clothes? I saw him searching the pockets of the coat.

Lord CAMPBELL.—When did you see him do that? On the Tuesday night, after Cook's death, at the time when Mr. Jones wished me to go into the room.—How soon after his death? About ten minutes.

Mr. James.—That was at the time when Jones told you to go into his room? Yes.—You went in? Yes; I found Mr. Palmer with the coat in his hands.—That was a few minutes after Cook's death? About 10 minutes.

Lord CAMPBELL.—The coat which had belonged to Cook? Yes, the coat which I had seen Mr. Cook wear.

Mr. James.—What was he doing with the coat? Searching the pockets.—What sort of coat was it; a dress coat? No; it was not a frock coat, nor yet a dress coat, nor yet a great coat; I cannot tell the name of the coat.—Did you observe him do anything with the pillow where Cook lay? Yes, he searched under the pillow and bolster.

Lord CAMPBELL.—Who did? Mr. Palmer.

Mr. James.—Did you observe any letters anywhere in the room? I saw two or three, I think, lie upon the chimney-piece.—Was that at this time immediately after Cook's death, and while Palmer was in the room? Yes.—Did you ever see them afterwards? No; I did not go into the room much afterwards.—Had you seen those letters on the mantelpiece before his death? Not to my knowledge.—After his death you saw them while Palmer was in the room? Yes.—You have never seen them since? Not that I am aware of.

*Adjourned to to-morrow at 10 o'clock.*

[At the close of the proceedings this day, the jury were taken to the London Coffee-house, where they slept in a fifteen-bedded room, under the charge of Mr. Harker, Mr. Mackay, and Mr. Toms.]

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## SECOND DAY'S TRIAL.

MAY 15, 1856.

ELIZABETH MILLS recalled.—Cross-examined by Mr. *Serjeant Shee*.

How long had you been at the Talbot Arms at the date of the death of Mr. Cook? About three years.—How long before Mr. Cook's death did you see him there first? I cannot exactly remember the first time he came, but I know he was there for three or four months; he made it his home.—Do you mean immediately previous to his death? Yes; perhaps in May was the first of his coming there; perhaps he was absent a month or two.—The May of 1855? The same year that he died.—Then I suppose you mean, he was there off and on somewhere about three months altogether; is that so? Yes.—Was he occasionally ailing during this time? I never heard him complain of anything except his throat.—About when did you first hear him complain of his throat; how long before his death? Perhaps two or three months before his death.—Did he at that time complain frequently? No, sir—merely of a sore throat, or something of that kind, through cold.—Do you know if he took any medicine for it? A gargle, I believe, he had.—You mean, I suppose, a gargle for some considerable time—several bottles of gargle for his throat? I saw but one.—Do you know who attended him for that throat, if anybody? I believe he had a gargle from Mr. Thirlby.—Did you observe from that early time, when he first came to the Talbot Arms, any soreness about his mouth? No.—Did you at any time previously to his death observe soreness about his mouth? None at all.—Did he at any time appear to have a difficulty in swallowing? No, sir, I never heard him complain.—Did you know of his tongue having been sore? No, sir.—You never heard him complain of that? I have seen him with a loaded tongue, I believe, about once or so.—You mean a foul tongue? Yes.—I am not speaking of that: did he ever complain in your hearing of the tongue being sore, so as to render it difficult for him to swallow? No, sir, not to my knowledge.—You do not know then of caustic having been applied to it while he was there? No.—Do you know if Mr. Thirlby attended him for his mouth and throat at the inn? I do not know.—How recently before his death did you hear him complain of the sore throat? I cannot remember.—Tell me about, if you can; was it within a fortnight? Longer than that.—Three weeks? It might be a month, if not more.—Did he ever tell you it was actually sore—the skin was off—that



it was sore in that sense? No; it was sore, he fancied, through a slight cold he had got. Did he ever tell you it had healed? No.—Did he besides the gargle take medicine while he was at the house? Not that I am aware of.—Do you mean to say you never saw pill-boxes about? Only while he was ill.—I mean before his last illness? No, I never did.—Had he a cough? No, not particularly.—He had a cough, had he? A slight cough, not a violent cough; a cough a person would have through cold, not a frequent, violent cough.—Rarely, I suppose, without one, though not a violent one? I did not say he was rarely without one.—What do you say about it? I say he had a slight one at the time his throat was sore; it would be through cold perhaps.—Just before he went to Shrewsbury had he been at all ailing? Not to my knowledge.—When he came back from Shrewsbury he at once said he was ailing, did he not? That he was poorly.—How long did you stay at the Talbot Inn after he died? Till the day after Christmas-day.—Where did you go to then? Home.—Where is home? In the Potteries, Shelton.—Have you been in service since? Yes.—Where? Dolly's Hotel.—Is that in London? Yes, Paternoster-row.—When did you go into service in Dolly's Hotel? In January.—Are you in service there now? No.—How long did you remain there? Till February; I stayed six weeks there.—Dolly's is a chop-house close by? Yes.—In what capacity were you there? Chambermaid.—Did you after you came to London see Mr. Stephens? Yes.—How soon after you came to London? Perhaps about a week.—Where did you see Mr. Stephens? At Dolly's Hotel.—Was it more than once? More than once or twice.—How many times? I do not exactly know.—Eudeavour to tell me? Perhaps four or five times.—Will you swear it was not ten times? It might be.—Was it twenty times? Not that I am aware of.—Will you swear it was not twenty times? I will.—Will you swear it was not more than twelve? It might be six or seven; that was about the outside.—Will you swear it was not twelve, and not more than six or seven? I cannot exactly keep account.—Where did you see him, in the coffee-room or in a private room? Sometimes he would speak to me while Mrs. Dewhurst was there, in one of her sitting-rooms.—Then you went into a sitting-room and spoke to him alone? Not at all times.—But frequently alone? Perhaps twice or three times.—Who was there besides? Sometimes Mrs. Dewhurst, sometimes Miss Dewhurst.—I presume that is the landlady of the inn? Yes.—Was it always about Mr. Cook's death he spoke to you? No, it was not.—What else had he to speak to you about? He would merely call to see how I liked London, and whether I was well in health, and all that.—Mr. Stephens is a man not in your station, he is a gentleman; do you mean to say he called to see how you liked London? Just to see whether I liked the place.—He called six times on you to see whether you liked the place: do you mean to tell that to the jury on your oath: do you persist in that? Yes.—That he called six times to see how you liked the place, is that what you say? I am not going to take my oath: he always called on me to ask me how I liked London.—What did he call about? Sometimes one thing, sometimes another.—What besides Mr. Cook's death? Nothing besides that.—Had you conversed with him much at the Talbot Inn when he was there just before the funeral? Some little.—Had you had any private conversation with him? No.—Had you never been in a room with him alone at the Talbot Inn? No.—Had he spoken to you about coming to London? No.—Now, when he came to Dolly's Hotel he spoke to you about Mr. Cook's death and nothing else; is that so? On your oath did he speak to you about anything else? Yes, many more things.—What else? I cannot remember.—Tell me a single thing of sufficient importance to have remained in your memory that he spoke to you about except Mr. Cook's death? I do not remember: I do not keep such things in my head for weeks or months together.—Did you not tell him after he had been calling two or three times, "Why, Mr. Stephens, you have been here often enough; I have told you all I know"? No, I did not.—Did he give you money during the time you were there? Never.—Never? Never a farthing.—Has he made you any promises? No.—Not even to get you a place? Not at all.—When did you see him last? Yesterday.—Where? In court.—Is he in court now? Not that I am aware of.—When did you see him last out of court? I saw him last Tuesday at Dolly's Hotel.—Was it still about Mr. Cook's death he was speaking to you?—He merely said, "How do you do?" and asked me how I was; plenty more were present.—Did he dine at Dolly's? No.—Does he live there? He may do, for what I know.—Do you mean to swear that? I do not know where he lives.—Where was it at Dolly's you saw him last Tuesday? In one of the rooms.—In the parlour? In a sitting-room.—Were you alone with him? No.—Who was there? Lavinia Barnes.—Lavinia Barnes of the Talbot inn? Yes.—Was she in place at Dolly's too? She is staying at Dolly's now.—Then Mr. Stephens had an interview with you and Lavinia Barnes?

The Attorney-General.—I beg your pardon, she has not said so; do not put an ambiguous phrase into the witness's mouth which she has not said.

Lord CAMPBELL.—If you repeat what she says you must repeat it correctly.

Mr. *Sergeant Shee*.—What am I to call it but an interview? Was there a meeting between him and you and Lavinia Barnes in the same room? There were two more gentlemen in the room besides us three.—Who? Mr. Hatton and Mr. Gardner.—Is Mr. Hatton the chief officer of police in Staffordshire, at Rugeley and the neighbourhood. I suppose he is.—You knew him when you were there, did you not? Yes.—Is Mr. Gardner an attorney at Rugeley? I believe so.—On this occasion was all the talk about Mr. Cook's death? I cannot remember; it might be mentioned.—Do you mean to say there was no word said about anything else? Yes, I dare say there was.—Will you swear there was a single subject of conversation mentioned? I do not pretend to keep in my head what the conversation was.—Will you undertake to say there was a single subject of conversation mooted between you and Lavinia Barnes and those gentlemen except the subject of Cook's death? Will I undertake to say it, do you say?—Yes. There were many more things talked about.—What? That I do not wish to mention.—You must mention what was the subject of conversation? I cannot remember; it will be impossible for me to remember.—Do you mean to undertake to swear these gentlemen did talk to you on other subjects besides the death of Mr. Cook? They were not talking with me alone, but among themselves; I was not paying attention to what they were talking about.—You and Lavinia Barnes were in the room? Yes; perhaps my thoughts were occupied about something else; I was not paying attention to them.—Were there any other subjects talked about that now remain in your memory, and that you can speak to? I cannot remember.—And you cannot remember any other matter of conversation? I cannot.—They did talk about Mr. Cook's death? They might, but I cannot remember.—Did they talk about the trial that was coming on? That I do not know.—Did they talk about the evidence that you were to give? No; not that I heard.—Did they ask you what you could prove? No.—Did they read your depositions over to you, taken before the coroner? No, they did not.—Did they read anything else to you? I saw nothing produced.—Was anything read to you? No.—Was anything read to you from a newspaper? No.—Did Mr. Stephens in any previous interview read to you anything from a newspaper? No.—Did he ever read your depositions to you? No.—Did he ever talk to you about the symptoms which Mr. Cook exhibited shortly before his death? He did not.—Do you know Mr. Dean? I do not.—You do not know a Mr. Deau? No.—Was that the first time since Mr. Cook's death you had seen Mr. Hatton? No; I had seen him before.—How many times? I cannot remember.—Half-a-dozen times? I should not think more than twice.—Will you swear not more than twice; will you swear not half-a-dozen times? I am sure not half-a-dozen times.—Where did you see him before? I saw him once at Dolly's.—Was that about Mr. Cook's death? No, it was not.—What was it about? I believe he dined there, and I merely saw him.—Did you see him in the coffee-room? I saw him in a sitting-room.—Did you wait upon him? No, I did not.—Were you alone in the room with him? No.—Do you mean to say he was talking to you about Mr. Cook's death? Not that I can remember.—Did he speak at all about Mr. Cook's death to you? He might, but I cannot remember.—Did he? I cannot remember, I tell you.—Do not tell me you cannot remember: what did he speak to you about? did he, upon your oath, speak to you about Mr. Cook's death? I cannot remember.—What do you think? I do not pretend to tell you what I think.—Do you mean to say you cannot tell us whether he spoke to you about Mr. Cook's death? He might do.—Did he? I do not know.—Do not you believe he did? I say I cannot remember.—Do not you believe he did? I do not know whether he did or not: he might.—Did he not? I say I do not know.—Do you recollect anything else he said? He asked me how I was, I remember.—Did he say a good deal more to you besides that? He might.—Did he not? I do not know.—Had you seen Mr. Gardner before since Mr. Cook's death? Yes.—How often? Three or four times.—Where? Once at Dolly's.—In what other places, and when? I have met him in the street.—Spoken to him? Merely said, "How do you do," or "Good morning."—Is that once, or more? Twice.—Have you met him anywhere else besides Dolly's and the street? Not that I am aware of.—That is a thing you can answer positively? Then I say no.—You mean positively to say you have not seen him anywhere else except at Dolly's and in the street? No.—You have not been to any attorney's office with him? No.—Had you any talk with him in the street besides "How do you do"? No.—You left Dolly's in February? Yes.—Have you been in London since before you came up for this trial? No.

Lord CAMPBELL.—After you left Dolly's, you went back to your home? Yes.

Mr. *Sergeant Shee*.—Where are you living now when you are at home? With my mother.—Where is that? In Rugeley she is now.—How long have you been living at Rugeley with your mother? About three weeks.—Where were you living before that?



Among my friends.—Was that at Hitchingley? Yes.—Who are your friends? I have some friends there.—Who are they? Friends are friends, I suppose.—I do not mean to ask you any rude questions, but that is hardly an answer to me; with whom have you been living? With some friends there; among my friends.—With whom? I say I have been living with my friends.—Do you know a man of the name of Dutton? I do.—What is Dutton? He is a friend of mine.—It is with him you have been living? I have been living with two.—We will take one at a time, if you please. Have you been living at Dutton's? I have been staying there a short time.—What is Mr. Dutton? A friend of mine.—Is there a Mrs. Dutton? Yes, his mother.—Have you been living with Mr. Dutton? Yes.—As a friend? I have been staying there.—How long? About a month.—What aged man is Dutton? About thirty, perhaps.—A labouring man? Yes.—His mother lives in the house? Yes.—How long have you known him? About two years.—What sort of a house is it? A cottage.—How many rooms has it? Two down and two up.—Two bed-rooms? Yes.—His mother sleeps in one? Yes.—Where did you sleep? With her.—Always? Yes.—Will you swear that? Yes.—How long had you known the mother? Ever since I had known him.—Two years? Yes.—Is his mother dependent on him? No.—What is his mother? I believe she has 6s. a-week coming in.—What has he coming in? That I do not know.—You know about? I do not.—Is he there now as far as you know? For anything I know he is.—Who are your other friends there? I do not know I have any more there.—You said you had been staying with another friend? I was staying with a cousin awhile.—Who is that? She is in the Potteries.—Is that the friend you alluded to when you spoke of two? I spoke of his brother being there, another single brother.—What did you leave Dolly's for? I did not like the place.—Did you leave of your own accord? Yes.—You can read, I suppose? Yes.—Easily? Yes.—You can read newspapers? Yes.—Have you read the case of a Mrs. Dove? I do not remember; I may have done so.—A case, that lately occurred at Leeds, of a lady who was said to have been poisoned by her husband? I did not read it; I heard it spoken of.—By whom? By many.—By whom? I cannot mention one more than another.—By Mr. Stephens? No.—Will you swear that? I will.—Did you never hear him mention it? No.—Did Mr. Gardner? No.—Did Mr. Hatton? No.—Will you swear that? Not one belonging to this trial.—Were you told when you heard of it what the symptoms of Mrs. Dove were? I think not; I merely heard there had been strychnine used at Leeds; another strychnine case.—Do you mean to say you never heard the symptoms stated to you? I did not.—Were the symptoms of strychnine ever mentioned to you by any one? No, never.—Will you swear that? I will swear it.—When and to whom did you first use the expression "twitching," which you mentioned so repeatedly yesterday? To the Coroner I did.—Will you swear that? Yes; if I did not mention "twitching," I mentioned something to the same effect.—You will not swear you used that word at the Coroner's? No, I could not swear that.—It is fair to tell you, as I have the deposition before me, that you did not.

The *Attorney-General*.—Do not say that, because I shall show how these depositions were taken.

Mr. *Serjeant Shee*.—I intend to put them in.—When will you swear you first used the word "twitching," which you used so frequently yesterday? I cannot remember when first I used the word.—Did you ever use it before you came to London? Yes; but I do not know to whom.—Will you swear you ever used it before you came to London? Yes.—How can you swear it, when you do not know to whom? I believe I used it in mother's house.—Will you swear you have? Yes; and described the symptoms the young man died under.—Will you swear you used the word "twitching"? Yes; at mother's.—Is your mother here? No; she is not.—When will you swear you first used the word "jerking" to anybody? I cannot remember that.—Has it ever been used to you by anybody? Not that I am aware of.—Will you undertake to swear it has not? It has not.—Have you ever been asked by anybody if there were not "jerkings"? I cannot remember.—Nor if there were "twitchings"? I cannot remember.—You stated yesterday, that on the Sunday some broth was brought in in a breakfast-cup; that you swear to; between 12 and 1 o'clock; that you took it up into Cook's bed-room; you tasted it, and drank about two tablespoonfuls; that you were sick; that you were sick the whole afternoon, and vomited at least twenty times? I do not remember that I used the words "twenty times."

The *Attorney-General*.—She did not; it is in the depositions, but she did not say that yesterday.

Mr. *Serjeant Shee*.—The witness may be right; I see she said she vomited till 5 o'clock. Did you state one word about it in your depositions before the Coroner? It never occurred to me then; it occurred to me three days afterwards.—You say it never oc-

curred to you before the Coroner? It did not.—Did you state this before the Coroner, “I tasted the broth on the Sunday before Cook’s death; it was not made in this house; I thought the broth very good after I had tasted it; I believe some broth had been sent over on the Saturday; nothing peculiar was in the taste of the broth”? No; I could not taste anything peculiar.—Is that what you stated before the Coroner? I believe it is.—You had been before the Coroner, and had retired, and were then recalled? I cannot remember that.—Were you examined twice before the Coroner? Yes; I believe three times.—On the first occasion your attention had been called to the fact of broth having been sent over? It was on one occasion; I do not remember whether it was the first.—On one occasion your attention was called to the broth? It was.—And you were asked if you tasted it, were you not?—Yes.—And you did state you tasted it, and thought it very good after you had tasted it; if it be true you tasted it, and it made you sick, and that you vomited frequently in the course of the afternoon, how came it you did not state that to the Coroner? It never occurred to me; I did not think it was the broth at the time.—I think you told us yesterday you went to bed in consequence of the vomiting? Yes; I did.—I suppose sickness of that kind, repeated frequently in the course of an afternoon, is not a very common occurrence with you; are you subject to be sick? No; I have a bilious attack sometimes, but not such violent vomiting as I had that afternoon.—Did you ascribe it to any other cause at that time? I could not at all account for it at that time.—You only took two tablespoonfuls, I think? That is all.—How soon after did the vomiting come on? From half an hour to an hour.—On the Saturday morning you say Cook had coffee for breakfast; did he express a wish to have it? I believe Mr. Palmer ordered coffee.—Did he express a wish to you? Not that I heard him.—Do you mean to say, the first you heard, as far as you recollect, that his breakfast was to be of coffee, was from Palmer? I do not know whether Palmer told me to bring coffee, or whether it was Mr. Cook; I do not remember which, but I never knew Mr. Cook to take coffee in bed before; he generally took tea.—I understood you to say yesterday, Palmer came over at 8 o’clock and ordered a cup of coffee for Cook; do you adhere to that? I cannot remember whether Palmer ordered it or not.—You said yesterday Palmer ordered it? I do not remember it.—Did you not state yesterday that Palmer came over at 8 o’clock, and ordered a cup of coffee for Cook, and “I think I gave it to Cook and put it into his own hands; I did not see him drink it; Palmer was there;” you stated that yesterday; is that true or not? If I said it yesterday, it is correct; but I cannot remember whether Palmer ordered the coffee or not now.—You stated yesterday, when you were examined, that he ordered the coffee; and you stated that he came and ordered it, and you took it and gave it into Cook’s hands, and Palmer was there; is that true, or not? That is correct.—You swear to it now? Yes.—You doubted it a moment ago? If that was stated yesterday, I do not doubt it was correct.—Is that your only reason for stating it to be correct? I believe it to be correct.

Lord CAMPBELL read over the statement of the witness given in evidence yesterday.

Mr. *Serjeant Shee*.—Will you swear that is correct? Yes.—You stated just now you doubted about it, but that it is correct if you said so yesterday? It is no doubt correct, if I said so.—Why should that make it more correct, if you cannot say it now from your own recollection? I cannot remember as well to-day as I did yesterday.—Did you state this before the Coroner: “On Saturday he had coffee for breakfast about 8 o’clock; he ate nothing; he vomited directly he had swallowed it; up to the time I had given him the coffee I had not seen Palmer.” Did you state that before the Coroner? That I cannot remember.—Did you state before the Coroner, he vomited directly he had swallowed it? I cannot remember.—Can you remember whether you stated that part of what I put to you, “Up to the time I had given him the coffee I had not seen Palmer”? I cannot remember.—You stated yesterday you saw a pill-box on Monday night, which was sent over there about 8 o’clock wrapped up in paper? Yes.—And that you placed it on the dressing-table of Cook’s bed-room? Yes.—And you stated yesterday that on that same evening you saw Palmer in Cook’s room between 9 and 10 o’clock? Yes.—Did you say a word about that before the Coroner? I do not remember; I might do; I cannot remember that now.—Do not you know you did not say that before the Coroner? Perhaps I was not asked the question by the Coroner; I did not say anything, only when I was asked.—Do you know whether you said it, or not? I cannot remember whether I did or not.—Will you now swear he was there between 9 and 10 o’clock? Yes.—That he was there? Yes; he brought a jar of jelly, and I opened it.

Lord CAMPBELL.—At the Talbot? Yes.

Mr. *Serjeant Shee*.—How long, about, after 9 will you swear he was there? I cannot remember; between 9 and 10; I cannot remember to a quarter of an hour.—We do not expect you to speak to ten minutes or a quarter of an hour; was it nearer to 9 than 10?



I should say it was nearer to 10 than 9; I should fancy so.—You say it was half-past 10 when you left Cook, and you do not recollect whether Palmer was there then? I do not.—Then you have no certain recollection of seeing him there that night after that time? Not until he was fetched over.—Do you know when he took the pills? I do not.—You stated yesterday that you asked him on the Tuesday afternoon what he thought the cause of his illness was? That was the first thing in the morning; Tuesday morning.—He was then composed: more comfortable? Yes.—You then asked him what he thought was the cause of his illness; did he say, “The pills which Palmer gave me at half-past ten;” did you say that yesterday? Yes.—Did you say that before the Coroner? No.—Have you been questioned by any one since Mr. Cook’s death respecting what you did say before the Coroner, as to when these pills might have been given, or respecting anything you said about these pills before the Coroner? Yes.—Was that at Hitchingley? Yes.—Was that by Dr. Collier? Yes.—Did you tell him that the gentlemen in London had altered your evidence on that point, and that your evidence was now to be that “Cook said the pills which Palmer gave him at half-past 10 made him ill”? I did not tell him the gentlemen had altered my evidence.—Did you state anything about your evidence being altered since? Yes.—What did you state? He said “he had not got that down in what I had given to the Coroner in the Coroner’s papers;” I said “No, I thought it was down in some of the papers; I had given it to a gentleman in London.”—Did you say the evidence had been altered by anybody, or yourself, since? It had been altered by myself since; it had occurred to me since.—Did you say who the gentleman was you had given it to? I could not say, because I did not remember.—Where had you given it to anybody? I gave it to him at Dolly’s.—You have said in some of the papers; were there more papers than one there, besides the deposition? I believe that paper was the only one, except Dr. Collier’s.—But you did say in some of the papers? Yes, the one he had; I gave it to the one at Dolly’s.—Do you mean to tell the jury you did not know to whom you gave it? I did not ask the gentleman who he was, and he did not tell me.

Lord CAMPBELL.—Do you mean, that you do not know his name? No, I do not.

Mr. *Serjeant Shee*.—A gentleman came to you at Dolly’s; did he tell you from whom he came? No; he asked me, “Would I answer him a few questions?” I said, “Certainly.” He did not tell me who he was, neither did I ask him who he was.

Lord CAMPBELL.—You did not know who he was? I did not.

Mr. *Serjeant Shee*.—Where did you see him, in a private room? In a sitting-room.—How long were you with him? Perhaps half an hour.—Did he ask you many questions? Not very many.—Was he writing while you were answering the questions? Yes.—Did not he tell you who he was, or whom he came from? He did not.—Or what it was wanted for? No.—Did he mention Mr. Stephens’s name? Yes.—What did he say about Mr. Stephens? Mr. Stephens was with him; he called Mr. Stephens by name.—Why did you not tell us that before? You did not ask me.—Then, although you did not know who he was, you knew he was an acquaintance of Mr. Stephens, because he came with him? He did.—And all you said then was taken down? Yes.—Did you say before the Coroner that when Cook was ill on Monday night, and sitting up in bed beating the bed-clothes, Cook said, “I cannot lie down, I shall suffocate if I do”? I do not remember whether I said that or not to the Coroner.—Did you say before the Coroner his body and neck were moving and jerking? I do not know whether I mentioned the word jerking; I know I said his body and neck were moving constantly, or something of that sort.—Do you know you did not use the word jerking? I am not positive about it; I might, or I might not.—Did you say before the Coroner “he would throw his head back and raise himself up again”? Yes.—You will say you said that? Yes.—Did you say he was jumping and jerking all over the body? I do not know whether I mentioned the word “jerking;” I said the whole of the body was in a jumping, snatching way.—Did you say it was difficult for him to speak, he was so short of breath? Yes, I believe I did.—Did you say he called aloud “murder” twice? No, I did not mention that to the Coroner.—Did you say that the fingers did not move? I cannot remember.—Did you say as soon as he thought you had rubbed his hands sufficiently he thanked you? Not to the Coroner, I did not.—You did not say what you have already told me, that you noticed him to twitch while you were rubbing his hand; you did not say that, did you? Not that I can remember.—Or anything to that effect, anything expressing the same meaning? I am sure I do not remember now.—Do not you know you did not state to the Coroner anything meaning the same thing as that you noticed him to twitch while you were rubbing his hand? I cannot remember.—Did you say before to the Coroner, “Mr. Cook said the pills stuck fast in his throat, he could not swallow them”? That I do not remember.—That is a remarkable circumstance? I did not answer the Coroner anything more than he asked me; if he had asked me these questions they would have

been answered the same as I am answering them to you.—Did you state to the Coroner that Palmer told you to give him some toast-and-water in a spoon? No, I did not.—Did you state to the Coroner that you did give him toast-and-water in a spoon, and that he snapped at the spoon, got it between his teeth, so that it was difficult to get it out of his mouth? I did not.—Did you state to the Coroner that his head and neck moved forward together, and that it was in that way he got the spoon? I did not.—Did you state that while anything of the kind was going on the water got down his throat, and he got the pills down? Yes.

Lord CAMPBELL.—I understand you propose most properly to put these depositions in evidence?

Mr. *Serjeant Shee*.—Yes, I do, my Lord.

Lord CAMPBELL.—Then it is hardly worth while to put these questions.

Mr. *Serjeant Shee*.—For several days the jury will have in their mind the statement of the prosecution.

Lord CAMPBELL.—I think most sincerely a witness can hardly be expected to know all she said during a long examination.

Mr. BARON ALDERSON.—Is it not more reasonable and fair that the jury should now see the manner in which these questions were put by the Coroner.

Mr. *Serjeant Shee*.—I propose, my Lord, as soon as this examination is done, to read the depositions as part of my case.

The *Attorney-General*.—I should have interposed, and submitted that the witness was entitled to hear the depositions read, were it not that I am prepared with evidence, which I shall presently adduce, to show repeated expostulations were addressed to the Coroner on the score of his omitting to put the necessary questions; and above all, omitting to take down the answers that were given. The Coroner did not call on her to make her statement, but put questions to her.

Mr. *Serjeant Shee*.—There is no doubt the depositions must be read, and I have said from the first I propose to read them. I am not aware it is necessary to read them before you put these questions, and there is a reason why it should not be. I have acted to the best of my judgment in the matter, and looked at the cases before I took this course. I have only another question or two to put. Did you tell the Coroner he snapped at the glass when Palmer gave him a draught, when he gave him the spoon? I did not: if the Coroner had asked me to describe the full symptoms, I should have done so from beginning to end, but he did not: he asked me question by question, and what they were I do not recollect.—You would have answered these questions if they had been put to you? Yes.—The first time that you were examined was that gentleman Dr. Taylor (*pointing to Dr. Taylor*) present? I believe he was; I could not swear to the gentleman, but I believe so.

Lord CAMPBELL.—Examined where?

Mr. *Serjeant Shee*.—Before the coroner, my Lord. Were you not recalled after you had been examined once, for the purpose of describing the symptoms for Dr. Taylor to hear? I was not.—Were you examined as to the symptoms on any occasion when you knew the medical gentlemen were there? I was not.—I will take you now to the next night: did you observe how Mr. Palmer was dressed when he came over on the Tuesday night, when you went to fetch him, and he looked out of the window; how was he dressed? It was on the Monday night I stated to the coroner how Palmer was dressed, not on the Tuesday night; I cannot recollect what sort of a cap he wore.

Mr. *James*.—She said yesterday he said he had never dressed so quick in his life, but nothing was said about how he was dressed.

Mr. BARON ALDERSON.—The question was not asked, because I made a note in my minute that it should be asked.

Mr. *Serjeant Shee*.—On Tuesday night, when he came over after the illness of Mr. Cook commenced, how was he dressed? He had a plaid dressing-gown on; but I cannot remember what sort of cap he had, whether it was a drab one or a black one.—Did you observe how he was about the neck and throat; had he a shirt on, or any collar, or any appearance of a man who had been up, or who had only lately got out of bed? I do not know I noticed particularly about it.—You could not say whether he had his night-shirt on or his day-shirt on? No.—Or whether he had slippers on, or boots or shoes? I cannot remember.—You were asked yesterday, towards the close of your examination, upon the subject of your going into the room after Mr. Cook's death, at the request of Mr. Jones, and you stated that Mr. Jones came out, and said to you upon the landing, "Palmer wants you in Mr. Cook's room," or "Will you go in?"



He said either "Palmer wants you," or "Will you go in?" pointing towards the door; I do not recollect the words.—Did you say you saw Palmer, ten minutes after Mr. Jones told you to go into the room, with a coat in his hand, searching the pockets? Not ten minutes after Mr. Jones told me to go in; as soon as Mr. Jones came out he desired me to go into the room, which I did at once.—Then you did go in at once as soon as Jones told you to go in? Yes.—Was it then you saw Palmer handling the coat? Searching the pockets of the coat.—Then? Yes.—Did you state before the coroner that Palmer, when you went in, did not seem at all confused? I did not discover anything about him that looked like confusion.—Do you remember stating that? I do not remember.—Did you state you saw him search under the pillow and bolster, and that he just turned the corner up, as a gentleman would do looking for a watch? Yes.—And that at that time he had the coat in his hand? Yes.—Do you remember the room in which the examination of Mr. Cook's body took place? Yes.—Will you endeavour to describe that room; how many doors are there to it?

Mr. *James*.—I shall produce, my Lords, in re-examination, a model which, I believe, shows the situation of that room. We may as well have it now.

[A model of Palmer's house and the hotel opposite was produced, and the position of the room and buildings explained.]

Mr. *Serjeant Shee*.—Does this describe the long room in which the body was examined [pointing to the model]? I think it does.—Where does that door lead to? Into a sitting-room.—Is there any outlet but that? Yes; there is another door.—Does that go into another bedroom? On to the landing.—There is a gaslight nearly opposite to his room? There is no gas at all on the landing.—There is a gaslight in the street, nearly opposite Palmer's house? There is a lamp over Mr. Masters's door, the Talbot Arms.—Is that a gaslight? Yes.—Do you know the width of the street between the two houses? No, I do not.

Mr. *Serjeant Shee*.—I have no more questions to put to this witness, and I now propose that the depositions should be read.

Lord CAMPBELL.—It is quite proper it should be so.

[The deposition of the witness taken before the Coroner was read by Mr. Straight.]

Re-examined by Mr. *James*.

How long do you think you were under examination before the coroner altogether; about how long; an hour or two? Perhaps a couple of hours.—On different occasions? Yes.—You said you were never asked before the coroner to describe all the symptoms you saw? No.—Who put the questions to you? The coroner.—The coroner himself? Yes.—And who wrote down your answers? The coroner's clerk, I believe.—The clerk took them down, and the coroner put the questions? Yes.—Did you do more on that examination than answer the questions the coroner put to you? No; what he asked me I answered.—You say the coroner did not ask you to make any full statement of the symptoms and all you saw, but put the questions to you? Yes.

Lord CAMPBELL.—Did he ask what effect the broth had on you?—The coroner asked me if the broth had any effect on me, and I said not that I was aware of.

Mr. *BARON ALDERSON*.—That is not down.

Mr. *Serjeant Shee*.—What brought to your mind afterwards the vomiting after taking the broth? just explain it to the Judge and jury. I do not know; I believe it was some one else in the house that mentioned my sickness first.—It did not occur to you; you believe some one else mentioned it? Yes; I believe some one else mentioned it first.

Lord CAMPBELL.—When? Perhaps a week after the coroner was there.

Mr. *James*.—You must not state what that person said; but who was it? I cannot remember who it was, but it was some of my fellow-servants in the house.—Is it the fact you were vomiting after taking the broth? Yes.—And that you went to bed? Yes.—Does Lavinia Barnes know that? Yes.—Your deposition makes you say, "I got to the room; he said it was the pills that made him ill;" I am speaking of going into the room next morning; "he took the pills about half-past ten;" what do you mean by that? He said, "I took the pills."—What did you say before the coroner? I believe I said before the coroner, "the pills I took at half-past ten;" I cannot exactly remember.—You believe you said, "the pills that I took at half-past ten;" but you cannot remember the exact words. Yes.—"It was when I saw him the next morning, at eight o'clock, he said he thought the pills made him ill;" that is what Mr. Cook stated to you? He said, "the pills given me at half-past ten;" those were the words.—You say that a person of the name of Dr. Collier called on you? Yes.—Do you see him in court? Yes.—Which is the

gentleman? The one there (*pointing to Dr. Collier*).—Did he make any representation to you of what he was? He said he was for the Crown.—What else did he say he was? He asked me questions about the inquest and about the death of Mr. Cook.—When was it he came to you and said he was for the Crown? I do not remember the day of the month.—But about how long since? It might be three weeks or a month, or more since.—Where did he find you? At Hitchingley.—What statement did you give him; did he ask you questions? He did.—Did he take down any statement of yours? Some little, not all; some he wrote down, not all.—Did you see him write down something you said? Yes.—Did he take away with him what he wrote down? Yes.—Did Mr. Collier ask you to sign it? No; he did not.—How long was he writing anything from your lips? I cannot exactly remember; perhaps it might be half an hour or three-quarters.—Where was it you saw him; in a room in the house? Yes.

Lord CAMPBELL.—Did he read over to you what he had taken down? I cannot remember whether he did or not; I believe not.

Mr. James.—Was any other person with him? I believe there were two persons outside, they did not come into the house; I saw two join him.—Should you know them again? I cannot say I should, I merely saw them at the garden gate.—One question about the broth; was there any taste that struck you in the broth when you took it? I tasted turnips and celery.—Nothing more than the taste of the broth? Nothing but the vegetables.—Did you ever taste tartar emetic? I have not.—You do not know whether there is any taste in it or not? No.—How long were you living at the Talbot Arms altogether? Two years.—You said Mr. Cook once had a gargle for his throat? Yes.—What sort of a gargle was it? A liquid in a bottle.—Do you know what the ordinary gargle for a sore throat is? No, I do not; but I have seen him take some in his mouth, gargle his throat, and spit it out.—Did he get that from Mr. Thirlby? I believe it was; I think I remember the label on the bottle.—Is that Mr. Thirlby who was Mr. Palmer's assistant? Yes.—Do you know Mr. Thirlby? Yes.—What is he? A chemist and druggist.—Do you know whether he succeeded to Palmer's business? I believe he did.—You say you have been living with some friends, the family of the Duttons: have you been engaged to be married to one of the Duttons? I am engaged to one.

Mr. *Serjeant Shee*.—Will your Lordships allow me to put one question to this witness; was not what Dr. Collier said there, "I am not for the Crown"?

Mr. Baron ALDERSON.—It is better Dr. Collier should be absent from the Court. If he is to be examined as to facts, he ought not to be here at all; he is here under the false pretence of being a doctor.

Mr. *Serjeant Shee*.—I believe none of the witnesses are out of Court, my lord.

The *Attorney-General*.—All the witnesses as to facts are out of Court.

Mr. James.—There are two Courts provided for them for that purpose.

The *Recorder*.—We have vacated our Courts for the very purpose of accommodating them.

Mr. *Serjeant Shee*.—The question is, whether this is not what Dr. Collier said to her, "I am not for the Crown, nor for the defence, nor for anything but the truth; I am for neither party, nor anything but the truth"?

Lord CAMPBELL.—You hear that; were those the words Dr. Collier spoke to you? He asked me, "was I Elizabeth Mills?" I said "yes;" he said, "would I answer him a few questions; I said, 'certainly:'" he said, "I am for the Crown, I want you to speak with neither favour nor affection, I merely want the truth and nothing but the truth."

Mr. JAMES GARDNER sworn.—Examined by the *Attorney-General*.

You are an attorney, and a member of the firm of Lander, Gardner, and Lander at Rugeley? I am.—You are the agents, I think, for Messrs. Clayton, Cookson, and Wainwright of Lincoln's Inn, who are the attorneys of Mr. Stephens the step-father of Mr. Cook? I have acted for them in reference to Mr. Cook's affairs.—I believe Mr. Stephens, when he came down to Rugeley after the death of his step-son, brought a letter to you from the firm in London with whom you correspond? He did.—Did you attend the inquest which was held on the body of Mr. Cook? I did.—Did you take any part in the proceedings? I put questions.

Lord CAMPBELL.—Mr. Ward was the Coroner? Yes.—Is Mr. Ward an attorney? He is my lord.

The *Attorney-General*.—Did he put questions to the witness? He did.—Who took down the answers? His clerk.—Had you on behalf of Mr. Stephens occasion to expostulate with the Coroner as to questions which he put, or questions which he omitted to put? On several occasions.

The *Attorney-General*.—It is said here is fresh evidence, and we will show you how



that fresh evidence did not come to be taken before the Coroner. How often did you expostulate with him on that? Several times each day.

Lord CAMPBELL.—How long did the inquest last? I think five days, I am not quite sure.

Mr. *Serjeant Shee*.—I submit these questions ought to be confined to the time of the examination of Elizabeth Mills.

Lord CAMPBELL.—We ought to know how these things are conducted. The evidence I have taken down is, "I expostulated with the Coroner as to the questions he put and omitted to put, several times a day." What was said there is part of the transaction of taking the evidence. It cannot be evidence against the prisoner, but it may explain the manner in which the depositions are taken.

Mr. *Serjeant Shee*.—I submit, my Lord, it was merely a statement of the opinion of the witness as to the manner in which the Coroner was discharging his duty.

The *Attorney-General*.—The question I put is this: had you occasion to expostulate with the Coroner on the omission of his clerk to take down answers.

Mr. *Serjeant Shee*.—The question should be, "Did the clerk take down your answers."

Lord CAMPBELL.—While Elizabeth Mills was under examination, was any objection made as to the manner in which her evidence was taken down?

The *Attorney-General*.—I would ask that; did you observe, while the examination was going on, that the clerk omitted to put down answers given to the questions which had been put? Certainly.

Lord CAMPBELL.—While Elizabeth Mills was under examination? I cannot swear that; I cannot apply that to Elizabeth Mills' examination.

The *Attorney-General*.—When did it arise? I can only state it generally in this way, that when the depositions of the witness—

Mr. *Serjeant Shee*.—I submit, my Lords, this is not evidence.

The *Attorney-General*.—Do I understand you to say you exclude the evidence of Elizabeth Mills? Certainly not.—Do you recollect whether, in the course of the examination of Elizabeth Mills, any complaint was made of the omission to take down answers? I cannot swear to that.—But do you recollect generally that in the course of that examination you had occasion to complain of the clerk not taking down the answers.

Mr. *Serjeant Shee*.—I object to that question.

Mr. BARON ALDERSON.—I think you have forgotten she said she answered all the questions put to her.

The *Attorney-General*.—Do you remember whether Dr. Taylor, in the course of the examination of Elizabeth Mills, objected that some questions were not put by the Coroner that ought to be put? No, I do not.

The *Attorney-General*.—Then your Lordships think I ought not to put the question as to the omission.

Lord CAMPBELL.—You must do it more specifically. It is not suggested that the Coroner refused to correct any mistakes that were made. Your question is, had he occasion to do so and so.

The *Attorney-General*.—It would not be right for me to say what I am prepared to prove through this witness on the subject. I am prepared to show such misconduct as led to expostulation not only from this gentleman but from others. The object of the evidence I now propose to give is twofold. Firstly, to show that questions were not put which might have been put and ought to have been put; and, secondly, to show even that questions were put and answers given, which answers were not taken down. I cannot prove it in the individual case, but I am prepared to show that was the general conduct pursued in the inquiry.

Lord CAMPBELL.—We think that is too general.

Cross-examined by Mr. *Serjeant Shee*.

After the examination by the professional men (the Coroner and the gentlemen attending professionally) did the jury put several questions? A great many.

The *Attorney-General*.—You have been asked whether the jury asked questions; did the jury make observations as to the necessity of putting questions? Very strong observations.—What did they say?

Mr. *Serjeant Shee* objected to the question.

Lord CAMPBELL.—That is part of what they do; you must have the whole.

The *Attorney-General*.—What are the strong observations they made?

Mr. *Serjeant Shee*.—I submit that question cannot be asked.

The *Attorney-General*.—At the time they put questions did they assign any reason for their interference in the examination?

Mr. *Serjeant Shee* objected to the question on the ground that it did not come within the scope of the single question he had put.

Lord CAMPBELL.—You asked whether the jury put questions: then what we are to determine is whether we are to receive in evidence the preface that they made in putting those questions.

The *Attorney-General*.—Upon any occasion when the jury interposed by the questions to which my friend referred, did they preface the questions with any observations?

Lord CAMPBELL.—My brothers think the preface is not admissible.

Mr. JUSTICE CRESSWELL.—I have that feeling. My brother Shee has now put in the deposition, and therefore I am at liberty to advert to what they do not show. They do not show any questions put by a jurymen, or any answer as given to a question put by a jurymen. If that had been the case it might itself on the face of the paper have shown what was the motive of the jurymen in putting it, because we should have been able to judge whether these matters were inquired into before or not, but we are left in the dark on the depositions as returned, whether the questions were put by the jury or not, or whether it is a voluntary question put by the witness. So that we have not a proper foundation for the question put by the *Attorney-General*.

Mr. BARON ALDERSON.—The utmost extent you can go is to show the deposition of Elizabeth Mills contains a statement of questions put by the jury as well as the Coroner. As the deposition does not state one or the other, it will show the deposition is incorrectly taken.

Mr. JUSTICE CRESSWELL.—It may be inferred from the very fact of the jurymen putting a number of questions, that questions had not been put eliciting to their satisfaction the facts of the case.

Mrs. ANNE BROOKS sworn.—Examined by the *Attorney-General*.

Where do you live? In Manchester.—I believe you are in the habit of attending races? Sometimes.—Were you at Shrewsbury races in the November of 1855? Yes.—Do you know that the prisoner Palmer was at those races? Yes, I saw him there.—Had you any occasion to go and speak to him? Yes, I had.—Which day was that? On the 14th.—That was the Wednesday? Yes.—What time did you go to see him? I met him in the street on the first occasion.—What time of the day? Eight o'clock in the evening.—Did any conversation take place between you then? There was.

Lord CAMPBELL.—What was said? I asked him if he thought his horse would win on the following day.

The *Attorney-General*.—What horse was that? A horse he called the Chicken.—That horse was to run on the Thursday? Yes.—Did anything further pass on the subject of the horse Chicken? Palmer asked me, if I heard anything further about the race on the following day, to call on him at the Raven hotel that evening.—What sort of information did he want; was that understood?—About a horse called Lord Alfred.—With reference to some other horses that were to run in the race? Yes.—Was that all that passed at that time, or anything more? No, merely saying, "Be sure you call if you hear anything."—Did you go to see him that evening? Yes.—At the Raven? Yes.—What time was it you went to the Raven? It would be half-past 10. I had some friends with me, and they waited below.—Are you certain as to the hour? What means have you of knowing what time it was? As I passed the clocks in the Market-square I noticed the time; I said if it were any later I should not like to call.—You went on to the Raven, and your friends waited down stairs; did you go up? Yes, I went up.

Lord CAMPBELL.—Up to the first floor? Yes, a servant was going up at the moment; I went and asked her to be good enough to tell Palmer I wanted to see him.

The *Attorney-General*.—When you got to the top of the stairs, is there a lobby or passage there? Yes, there is one facing, and the other to the left.—When you got to the top of the stairs, which way did you turn? To the left.—Did you at that time know which room Palmer was occupying? Yes, I had called frequently at the Raven hotel.—Had you called there before during the races? I had called the evening before, but he had gone off to Rugeley.—You knew his room? I knew his room, but I never



went in.—You knew the sitting-room which he occupied? Yes.—You say you turned to the left of the passage which went off to the left? The servant called my attention by saying, "He is there, ma'am."—Did the servant point to his room or to himself? Just moved her head; she had a tray in her hand; she said, "He is here, ma'am."—Was he there? did you see him personally? Yes.—Where was Palmer at that time? He was standing at a small table.—In the passage, or in the room? In the passage.—Did you observe whether he was doing anything? what was he doing? He had a tumbler glass, something similar to that (*pointing to a tumbler*).—What was he doing with the tumbler glass? He had it in his hand when I saw him first.—Could you see whether there was anything in it? There appeared to be a small quantity of water in it; liquid it was, of the colour of water.—You do not mean it was water coloured, but a liquid of the colour of water? Yes.—Did you see him do anything with this glass, or with the water in it, or what appeared to be water? I did not see him put anything in it.—He had the tumbler in his hand? Yes.—Did he do anything with the tumbler? He turned it in this manner, round.—Do you mean shaking the fluid up that was in it? Yes.—Was there a light in the passage? Yes, there was a light where I stood. Mr. Palmer was in the shade.—Was there any light near him? The light was nearer to me.—You say he was shaking the fluid up that was in the tumbler; did you see him do anything with the tumbler? He said, "I will be with you presently," and he held it up just in that form, as if he were looking at the light.—And then he made an observation to you? Yes.—What did he say? He said, "I will be with you presently."—When did he first see you; could you tell that? He noticed me the moment I got to the top of the stairs.—After he had said "I will be with you presently," where did he go? He stood a few minutes longer, perhaps a minute or two longer, at the table.—What was he doing during that minute or two? He had the glass in his hand.—Was that before he held it up to the light, or afterwards? He held it up once or twice during the time he stood there.—In the intervals between the time when he held it first, and held it up afterwards, did he hold it still or continue to shake it? I did not observe him all the while, but I did observe him shaking it now and then.—While he was standing there, shaking the glass now and then, and holding it up to the light, did any conversation between you take place? He made an observation about the weather; what very fine weather we had.—Was the weather fine? It was.—After this, what became of him? There was a sitting-room, partially open, adjoining Palmer's sitting-room, and he carried the glass into the sitting-room. I supposed, at the time, it was unoccupied, for I heard no one speaking when he went in.—How long was he there? About two or three minutes.—Did he then come out again? He came out again.—Had he the glass still in his hand? He had.—Was what you saw in the glass still of the colour of water? Yes, it was.—What became of him then? He carried it into his sitting-room.—How soon after that did he come out to you? I should think three or four minutes, to the best of my recollection.

Lord CAMPBELL.—Was the door of his own sitting-room shut when he went in? The door was shut; he shut the door after him.

The *Attorney-General*.—He was there for three or four minutes, and then he came out to you: did he bring you out anything? He brought me a glass—it might be the same one, it was very like it—with some brandy-and-water in it.—The glass was like it, but the fluid was different? Yes; I had the brandy-and-water.—I hope that produced no unpleasant consequences on you? It did not.—Did any conversation take place between you after he came out? Yes, about the race on the following day.—Did he tell you in the course of the conversation whether he had or whether he had not been backing his own horse Chickie? He said he should back it.—Were you present at the race when Chickie ran? Yes, I was.—Chickie lost, I believe? Yes.—I do not know whether you afterwards heard from Palmer whether he had won or lost on the race? I did not.

Cross-examined by Mr. *Serjeant Shee*.

Is your name Brooks? Yes.—Has that always been your name? That has been my name.—You are not a married woman, are you? I am married.—And that is the name of your husband? Yes.—You are in the habit of frequenting races, I believe? Yes, some few near home; but I had other business at Shrewsbury on that occasion.—Do you go alone, or does your husband go with you? My husband never goes.—Do not you live with your husband? Yes.—Do you attend many races in the course of the year? Not many.—May I ask what your husband is? He holds a very high appointment; he holds a public office: my husband does not sanction my going when he knows it.—I will not ask you any questions that are unpleasant; you are on terms, I suppose, of friendly acquaintance with a great number of these racing men? I am.—Do you happen to

know a Mr. Herring? he goes by the name of Howard on the turf. I never knew him, to my recollection, until I met him at Staffordshire before the Grand Jury.—Do you know him by sight? No, I do not.—My reason for asking you was, I intended to ask you if he had been unwell on the Wednesday: do you know whether other racing men were taken ill on the Wednesday at Shrewsbury? There were a great number; one of my company was dreadfully ill, and there was a wonder what could cause it: we made an observation, we thought the water might have been poisoned in Shrewsbury: we were all affected in the same way by sickness.—Without going into it much in detail, can you tell me in what way it affected persons?

The *Attorney-General*.—Any person you saw; did you see any person affected? They were sick and purged.—Whom did you see yourself affected in that way? There was a lady that came to meet me there; she was one; and there was another party in my company—in fact, he was so ill he could not go to the races on Thursday.

Mr. *Sergeant Shee*.—I think I heard you say they were affected with sickness and purging? They were.—You saw Palmer with the glass in his hand? Yes.—Did he put it up to the light? He held it just carelessly up; I did not see any substance in the glass.—Did he hold it between his eyes and the light so that he could see if there had been anything floating in it? He held it up just in that form (*holding a glass up*).—Where was he doing this; was it a passage that led to a great many rooms? It was.—Was there more than one light in it? I could not say positively.—Is it a gaslight? I think it was a chandelier.—You have stated he said “I will be with you presently,” and he held it up to the light: did you not say, as some of us understood you to have said, “he held it up to the light, and said, ‘I will be with you presently’”? He said “I will be with you presently” when he carried the glass into the room which I supposed to be unoccupied.—Did he also say that while he was holding it to the light? Yes, just in this manner, quite carelessly.—Nothing at that time to excite suspicion? Quite calmly.—And at that time you thought nothing of it? I thought he was mixing up some cooling draught, and he was waiting for water.—You were not examined before the coroner? No, I was not.

The *Attorney-General*.—Was the brandy-and-water he gave you hot or cold? Cold.—You say you are acquainted with many of the men who frequent the turf; have you been on intimate terms with Palmer? On friendly terms.—For how long? A great number of years I have known him as a racing man.

LAVINIA BARNES sworn.—Examined by Mr. *James*.

In November, 1855, were you in service at the Talbot Arms? Yes.—What were you there, in what capacity? Waitress.—You knew Palmer, the prisoner? Yes.—Did you also know Mr. Cook? Yes.—When had you seen him; on the 12th of November, as he was going to Shrewsbury races? Yes.—He called there? Yes.—In what state did he appear then as to health; did he speak to you? Yes.—How did he appear as to health and spirits? He seemed much as usual.—What was that? He seemed very well, I think; he did not complain of anything.—Did you see him on his return from Shrewsbury on the 15th; I think that was the Thursday? Yes.—On the Friday do you remember his coming back after having dined with Palmer? Yes.—About what time did he return to the Talbot Arms after dinner? I saw him between 9 and 10.—Did he speak to you? Yes.—Was he sober? Yes.—Did you attend him to his room, or was it Elizabeth Mills? Elizabeth Mills.—Now on the Saturday did you see him? Yes.—Did you see him frequently during the Saturday? I saw him twice.—Do you remember on the Saturday some broth being sent over? Yes.—Was that broth taken up to Mr. Cook? Yes.—By whom? I took it.—Did Cook drink that broth, or not? No; he said he could not take it, he was too sick.—Did you thereupon bring it down? Yes.—Where did you put it when you brought it down and he refused to take it? In the kitchen.—After you had brought the broth down and put it in the kitchen, did you see Palmer and tell him anything? Yes.—What did you tell Palmer about that broth? That Cook could not take it; he was too sick.—Did Palmer make any reply? Yes.—What did he say? That he must have that.—Was that broth afterwards taken up again to him? Yes.—By whom? The chambermaid, Elizabeth Mills.—On the Sunday do you remember some more broth being sent over? I did not see it.—Do you remember whether Elizabeth Mills was taken ill on the Sunday, or not? Yes, she was.—About what time, do you remember? Between 12 and 1, I think.—Where did she go to from her work? She went to bed.—Did you see her vomiting yourself? Yes.—Was it violent? Yes.—How long did she remain ill before she came back to her work? I think it was between 4 and 5 when she came down again.—Did she complain to you at the time of having been ill from the vomiting? Yes: she said she felt very sick.—Did you see any broth upon the Sunday in the basin? I saw it in the kitchen; I did not see it brought.—Had that broth been made in the Talbot



Arms or not? I do not know.—On the Sunday do you remember seeing Palmer in the morning at the Talbot Arms? Yes.—About what time did you see him? Between 7 and 8 in the morning.—Did he say anything to you about where he was going? No, not to me.—In your presence? Yes.—What did he say? He told Elizabeth Mills he was going to London.—There is one question I omitted: you cannot tell whether that broth was made in the house; what sort of a eup was it in? It was in a sick-eup with two handles.—Was that a eup belonging to the Talbot Arms, or not? It was not.—Do you know what became of it; was it sent away? The eup went back to Palmer's.—On the Monday you say you heard him tell Elizabeth Mills he was going to London; during that day did you see Cook several times? I did not see him till after dinner.—Did you see him during the day? Yes.—Do you remember any one coming to see him? Yes.—Do you remember Mr. Saunders, the trainer of Hednesford, coming? Yes.—Did you take anything to Cook's room while Mr. Saunders was there? Yes, some brandy-and-water.—Where did you sleep that night; where was your room on that Monday night? The next room to Mr. Cook's.—On the Monday night did Palmer come? Yes, I saw him.—About what time, as near as you can remember? Between 8 and 9 I think.—Where did he go? I saw him go up-stairs.—Was that in the direction of Cook's room? Yes.—Did you see him in Cook's room that night, or did you only see him go up-stairs? I saw him in Cook's room afterwards.—How late did you see Palmer in Cook's room on that Monday night? Between 12 and 1 o'clock.—That was after Cook was attacked, after you saw him go up stairs.—I do not remember seeing him in the room before 12 or 1.—At about 12 o'clock were you alarmed by anything? Yes. Where were you then? In the kitchen.—You had not been to bed? No.—What were you alarmed by? Mr. Cook's bell rang violently.—That rang into the kitchen? Into a passage by the kitchen.—Did you go up stairs? Yes.—What did you observe when you got into the room; what did you find there? Mr. Cook was very ill, and asked me to send for Mr. Palmer.—Did you hear any screaming? Yes.—What did you hear; tell us all that you heard? He was screaming "Murder" and in violent pain; he said he was suffocating.

Lord CAMPBELL.—You went up stairs; did you then go into Cook's room? Yes.

Mr. James.—He said he was suffocating? Yes.—Did you observe anything about his eyes?—Yes.

Mr. *Serjeant Shee* objected to the question.

Lord CAMPBELL.—The question is correct.

Mr. James.—Did you observe anything about his eyes? They looked very wild, and were standing a great way out of his head.—Did you observe him doing anything with his hands? He was beating the bed with his hands.—Will you describe in what way? In this way, when I saw him first (*describing it*).—Did you leave for the purpose of sending the Boots for Palmer? Yes.—And left Elizabeth Mills there? She was not there then.—When did she come? I went and called her afterwards.—In screaming what did you hear him call out? He was screaming "Murder!" he said he was suffocating; he called out "Murder!" he said, "Christ have mercy on my soul!"—Had you ever seen any person in such a state before? No.—You sent the Boots of the hotel over for Palmer? Yes.—Did he come? Yes.—Did you go up into the room again after Palmer came? Yes.—In what state was Cook after Palmer came? When I saw him again he was more composed.—Did he speak to Palmer in your presence? Yes.—What did he say to him? "Oh, doctor, I shall die!" or some words like that.—Did Palmer make any reply? "Do not be alarmed, lad."—Do you remember any pills being given? I did not see them given.—Did you see him drinking anything at all? Yes.—Explain what it was you saw? I saw him drinking a darkish mixture in a glass.—Did you see who gave him that? I cannot remember who gave it him; I saw it in his hand.—Was Palmer in the room when it was given? Yes.—Did you observe anything when he put that glass to his mouth? He snapped at the glass.—Did you hear his teeth snap at the glass? Yes.—Did you say you saw the glass in Palmer's hand or not? I cannot remember who gave it him.—There was this snapping or biting at the glass; did you see it, or hear it? I both saw it and heard it.—Did that black-looking draught remain on his stomach or not? No, he vomited it.—What time did you leave him that night after this attack? Between 12 and 1.—How was he then? He was more composed.—Did you see him on the Tuesday? Yes.—During the whole of the time you saw him on Tuesday you say he seemed better? He was better on the Tuesday.—On the Tuesday night were you alarmed again? Yes.—About what time was that, and by what were you alarmed? A few minutes before 12 Mr. Cook's bell rang again.—Where was that? In the kitchen.—What did you hear? The chamber-maid, Elizabeth Mills, went up stairs to answer the bell.—Where was she when the bell rang? In the kitchen with me.—What did you do? I followed her up stairs.—Did you go into Mr. Cook's room? Not then, I did not.—Did you hear any noise? I heard him

scream.—Where did you go? I stood on the landing, by the door.—Did you see Palmer come? Yes.—Who fetched him? Elizabeth Mills.—Were you on the landing when Palmer came? Yes.—Where did Palmer go? To Mr. Cook's room.—Did you speak to him as he came along by you? Yes.—What did you say to him? I said, "Mr. Cook is ill again."—What did he say? "Oh, is he?" and he went into the room.—Did you observe how Palmer was dressed? Yes.—How was he dressed? In his usual way.—What was that? With a black coat on.—Was there anything peculiar about his dress? Nothing more than usual; he had a cap on.—Where did you remain after he had gone into Mr. Cook's room? On the landing.—Did you hear what was going on inside? No, I did not.—Did you go into the room after some time? Yes, after Palmer came out again.—Did Palmer come out? Yes.—Did he go down stairs and away for something? Yes.—When he came out of the room did he speak to you? Yes.—Did you speak to him first, or did he speak to you? I think he spoke to me first; I am not quite certain.—What did he say? He said, "He is not so bad by a fiftieth part as he was the night before." Did you hear Elizabeth Mills speak to him? Yes.—What did you hear Elizabeth Mills say to him as he went down? I heard her ask how Mr. Cook was.—What did Palmer say? He made the same answer, "Not quite so bad by a fiftieth part."

Mr. BARON ALDERSON.—Did he say it twice? We were both together, and he said it to us both.

Mr. James.—Did you go in the room or not before he died? Yes.—Do you remember seeing Mr. Jones there in attendance upon him? Yes, he was.—What did you hear pass before he died; do you remember his making any request of Mr. Jones? I heard him ask to be turned over.—How soon was that, after you had gone into the room, you heard him ask to be turned over? I was not in the room when I heard that.—Was the door partially open when Palmer had gone out? No; Palmer was in when he asked to be turned over.—What did you see done then? I was not in the room when I heard him say that.—You did not go into the room then? Yes, I did.—When you went into the room what did you hear or see done then? I cannot remember what I heard; I do not remember hearing anything.—How soon did he die after you had got into the room? I came out again before I heard of his death.—Did you see him die? I did not.—You were not in the room when he died? I was not.—After he was dead were you in the room when Palmer was there? Yes.—Did you see Palmer doing anything with any clothes of his? He had a coat in his hand when I went into the room.—What did you observe him doing with that? He was feeling in the pockets.—Did you see him do anything else with the clothes or the bolster? He felt under the bolster.—Did you say anything when you saw him doing this? Yes; I said, "Oh, Mr. Cook cannot be dead!" he said, "He is; I knew he would be."—Did you leave him in the room with the dead body? Yes.—This was on the Tuesday; do you remember seeing Palmer on the Thursday following? Yes.—Where did he come to you? I met him in the hall.—In the hall of the hotel? Yes.—What did he say to you? He asked me for the key of Mr. Cook's bedroom.—That was the room in which the body lay? Yes.—Had you the care of the key? No; it was in the bar, and I fetched it.—Did he tell you, or say anything, or give any reason why he wanted it? He said he wanted some books and papers, and a paper-knife.—What for, did he say? They were to go back to the stationer's where he had them from, or he should have to pay for them.—Did you go into the room with him? Yes.—While you were in the room with him did he request you to go to Miss Bond's for anything? Yes, for some things she had.

Lord CAMPBELL.—What things? Books.

Mr. BARON ALDERSON.—She was the housekeeper? Yes.

Mr. James.—You went down with a message with which he had sent you? Yes.—Did you go back to the room? Yes, and took the books with me.—What sort of books were they? One had a green lining on it.—They were books for reading, novels? Yes.—When you came back with the message, did you find Palmer still in Mr. Cook's room? Yes.—What was he doing in Mr. Cook's room when you came back? Looking for a paper-knife.—Where was he looking? On the chest of drawers, among some books and clothes belonging to Mr. Cook.—How do you know it was a paper-knife he was looking for? He told me he could not find it.—What was it he said to you? He said, "I cannot find the knife anywhere."—In what drawers was he searching: were there any papers of Mr. Cook there when he told you he could not find the knife anywhere? He was not searching in drawers; it was on the top of the drawers.—Afterwards did Miss Bond, the housekeeper, come into the room, and you left? Yes.—You remember Mr. Jones coming on the Tuesday, the same Mr. Jones of Lutterworth that slept in his room? Yes.—Did you see him on the Friday with Palmer? Yes.—Did you hear Mr. Jones say anything to Palmer about Mr. Cook's betting-book? Yes.—What did he



say? He asked him if he knew where it was.—What did Palmer say? I cannot remember what he said now.—Did he say anything about looking for it? Yes, he said “it would be sure to be found;” and he asked me and the chambermaid to go and look for it.

LORD CAMPBELL.—Who said “it would be sure to be found”? Palmer.

MR. JAMES.—This was on the Friday? Yes.—When he said “it would be sure to be found,” and you were to go and look for it, did he say anything more about it? He said, “it was not worth anything to anyone else but him.”—To Mr. Cook I suppose he meant? Yes.—About what time on the Friday was this, do you remember? Between 3 and 4 o'clock, I think.—Do you remember Mr. Stephens being at the Talbot Arms? Yes.—How long was this before Mr. Stephens left the hotel when Palmer said the betting-book would be of no use to anybody? Mr. Stephens left about half-past 4 o'clock.—After this had been said, did Palmer say anything about going with you to look for it? We went up stairs to look for it, and could not find it.—Palmer did not go up with you? No.—Did you hunt everywhere for it? Yes, we searched the beds.—The drawers? We did not look in the drawers; we looked under the bed and all round the room.

LORD CAMPBELL.—Were those the drawers that had been used by Mr. Cook? There were two chests of drawers in the room.

MR. JAMES.—Were they locked or open? Open.—Did you go down and state you had not been able to find it? Yes.—Whom did you see? Mr. Palmer and Mr. Jones.—You told Palmer you could not find it? Yes.—What did Palmer say to you? He said, “Oh, it will be found somewhere; I will go with you and look myself.”—Did he go with you? No.—What did he do then? He went out of the house, and I did not see him afterwards.—You stated that Palmer had been there on the Thursday, and had been alone in the room; how long was Palmer altogether in Mr. Cook's room on the Thursday? I do not know what time he came out; I did not see him come out.—You opened the door for him to come in, and did not see him come away? I cannot remember seeing him.—Why did you not look in the drawers; was there any reason for your not searching there for the betting-book? There was no reason whatever.

LORD CAMPBELL.—Why did you not expect to find it there? There were some people in the room with Mr. Cook's corpse, nailing the coffin, and they stood at the side of the drawers.

Cross-examined by Mr. *Serjeant Shee*.

You say that sonic broth was sent up, and that Mr. Cook could not take it; he was too sick; and that Palmer came over shortly afterwards and said “he must have it;” were those the words? Yes.—Did he say why he must have it? No.—Did he say anything to the effect, “Why, he has eaten nothing for several days”? I cannot remember that he did.—Did he ask whether anything had been eaten by him? Not of me.—You know in fact that Mr. Cook had had no substantial food? He had coffee and cocoa, and something like that.

The *Attorney-General*.—You will recollect that he dined at Palmer's on the day before.

MR. *Serjeant Shee*.—Just so: I had forgotten that.—What time was that on the Saturday? Between 12 and 1 o'clock.—You say that on the Monday evening you saw Palmer between 8 and 9 o'clock going up stairs, and you did not see him again until Mr. Cook was taken ill about 12 o'clock: you say between 8 and 9 o'clock; are you sure it was before 9 o'clock? I am not quite certain.—Are you sure it was before  $\frac{1}{2}$  past 9 o'clock? No.—You did not pay any particular attention at the time, I suppose, to what the exact hour was?—I did not. Are you quite sure it was before 10 o'clock?—Yes. You knew he had been to London?—Yes. Did you know about what hour the train came back from London?—I did not. Is there an omnibus from Rugeley or a fly to go to the station?—Yes, there is an omnibus from the hotel that goes to the station.—What time does it go?—About  $\frac{1}{2}$  past 7 it starts from the hotel.—How many miles has it to go? It is not one mile from the station.—Do you know at what time the express train comes in to Rugeley from London? I do not.—Can you give me any notion of it? I cannot.—Does it stop at Rugeley: do you know that? I do not.—But you think it must have been before 10 o'clock that you saw Palmer come in: do you persist in that? I think it was.—May it not have been a quarter past 10 o'clock? you can easily have been mistaken about an hour: are you quite certain it was before 10 o'clock? I cannot remember now.—You have stated that when Palmer left on the Monday evening, he gave Mr. Cook something to drink in a glass; he snapped at the glass, and you said, “I cannot remember who gave it to him:” did you see the glass in Mr. Cook's hands? I saw him drinking, but I do not know whether it was Palmer or the chambermaid that gave it to him.—Did

you see the glass in Mr. Cook's hand? I cannot remember; I saw him drinking.—Did you see his hand up to the glass? I think I did.—His fingers were round the glass in the usual way, as when a man holds a glass to drink? I think it was as if he was going to catch hold of it; but somebody else was holding it.—Did you see the hand touch the glass? I cannot remember that.—Perhaps you cannot be quite sure whether he did not hold the glass himself? I remember some one was holding it for him.—Might he not be holding it too? He might.—You told us just now you did not search the drawers; there were some undertakers who were doing their office in the room: were the drawers full of Mr. Cook's linen? There was some in.—In all the drawers? In some of the drawers.—Several of them, I suppose? Yes.—Had Mr. Cook many clothes there? Yes.—Two or three suits of clothes? I cannot say how many; there was a portmanteau full.—Besides what were in the drawers? Yes.—And I suppose a great-coat? I cannot remember exactly; he had an overcoat there.—And dress-clothes? Yes.—And morning clothes? Yes.—How soon after the death of Mr. Cook was the door locked? I cannot remember how soon; it was looked that night.

*The Attorney-General.*—You mean the night of the death? Yes, after the corpse was laid out it was looked.

*Mr. Serjeant Shee.*—Were the women sent for to lay out the corpse during the night, before it was daylight? Yes.—And, as soon as they had done that, was the door looked? I cannot say whether it was as soon as that; it was looked in the morning when I got up.—Do you know who had the key? Yes.—Who? Miss Bond, in the bar.—When did the undertakers first go there? The following morning.—How long were they there? I cannot say.—An hour or two? No; I did not see them come out, so I cannot say.—After they had been there, was the door looked again? Yes.—Are you sure of that? Yes.—Then, I suppose they had to come again with the dead-clothes and the shell of the coffin? Yes.—When did they bring them? I cannot remember.—Was it on the Friday? You saw them doing work at the coffin on the Friday, the day Mr. Stephens was there, was it on that day? I think the shell was in the room before that: it came on Thursday night: I am not certain.—Do you remember at what hour they came? No.—They had the key, and were allowed to go up alone; nobody with them: is that so? Yes.—How many of them were there? I cannot remember.—On the Friday, when Mr. Stephens was there, had they been long in the room then? They merely came to sew the coffin up.—Had the body been put into the coffin the day before, or was it done then? It was put into the coffin on that day; the women put it in.—Then, the women were in the room with the undertakers: was anybody else there besides the women and the undertakers? Me and the chambermaid were in.—Anybody else? I do not remember any one else.—You were not there all the time they were there? No.—You went out and in? Yes.—How many persons were employed about this by the undertaker? I saw three.

Re-examined by the *Attorney-General*.

I understand you to say on the Tuesday night after Mr. Cook died, the door was looked? It was looked before I got up in the morning.—When the women came to lay out the body was the door looked then; had it to be opened for them? No, it was open then.—They went in and laid out the body? Yes.—Was any one with them at the time they were doing that? I was in, and the chambermaid was in.—Did you remain there as long as the women remained there? No, I went in and out.—Was the chambermaid there all the time?—No, I think not.—What I want to know is, whether the women were left alone at any time? Yes, they were.—How long were they there? I left them there when I went to bed, so that I cannot say.—Then you were about the room on that occasion, after the death, while the women were laying him out? Yes.—Did you show the women into the room?—I did not.—Who did? I cannot say; I did not see them go in.—While the women were there did you see anything of a small book, like a pocket-book, on the glass of the dressing-table? Yes.—Did you ever see that book there while Mr. Cook was there? Yes; not after he was ill, I never saw it; I saw it before, but not afterwards.—When was it you last saw it? I cannot remember; I had seen him with it in his hand.

*Lord CAMPBELL.*—Did you see it at any time after his return from Shrewsbury races? No.

*The Attorney-General.*—When you went up-stairs to look for this book you did not look into the drawers? I did not.—Did Mills? I do not remember she did; she might, but I cannot say.—Where did you look? I looked on the bed and under the bed; she helped me.

*The Court here adjourned for a short time.*



ANNE ROWLEY sworn.—Examined by Mr. *Welsby*.

Do you live at Rugeley? Yes.—Have you been in the habit of being employed as charwoman by Mr. Palmer? Yes.—Do you remember the Saturday before Cook died? Yes.—Do you remember Mr. Palmer sending you to Mr. Robinson's, of the Albion, on that day? Yes.—For what? A little broth.—For whom? For Mr. Cook.—Did you fetch it? Yes.

Lord CAMPBELL.—Where is the Albion? At Rugeley, in Albion Street.—How far is it from the Talbot Arms? A small distance.—It is an inn?—Yes.

Mr. *Welsby*.—Did you bring it to Palmer's house? Yes.—What did you do with it when you got to Palmer's house? As I was taking it through the back kitchen I put a little salt, and I put it by the fire to warm; it was not warm.—When you had done so did you go about your work in another part of the house? Yes, I went in the back kitchen again.

Lord CAMPBELL.—Did you leave it at the fire? Yes.

Mr. *Welsby*.—Did Mr. Palmer bring it to you there, when it was hot? Yes.

Lord CAMPBELL.—Brought it to you where? In the back kitchen.

Mr. *Welsby*.—Did he pour it into a cup? Yes. I held the cup, and Mr. Palmer poured it in.—What did he tell you to do with it? That I was to take it across to Mr. Masters's, for Mr. Cook.—Is Mr. Masters's the Talbot Arms? Yes.—Did he tell you anything more? I was to say to whoever I gave it to to ask Mr. Cook if he would take a little bread or a little toast with it, and to say that Mr. Smith had sent it.—Did you take it to the Talbot Arms? Yes.

Lord CAMPBELL.—Did he say why you were to say Mr. Smith had sent it? No.

Mr. *Welsby*.—Did he say what Mr. Smith? It was Mr. Jeremiah Smith.—There is a gentleman living there of the name of Jeremiah Smith, is there? Not at Mr. Masters's.—In Rugeley? Yes.—What is Mr. Jeremiah Smith? An attorney.

Lord CAMPBELL.—Is that the Mr. Smith who goes under the name of Jerry Smith? Yes.

Mr. *Welsby*.—Is Mr. Jerry Smith a friend of Mr. Palmer's? Yes, he used to visit Mr. Palmer.—Did you take it to the Talbot Arms? Yes.—And gave it to Lavinia Barnes, I believe? Yes, I did.

Cross-examined by Mr. *Serjeant Shee*.

Was Mr. Smith in the habit of putting up at the Albion? Yes, he goes there to his meals a good deal, I think.—Were you so circumstanced respecting him as to know where he might have passed the night upon any particular night? No.—You do not know where he slept on the Sunday night? No.—Do you know whether he was intimate with Mr. Cook? Yes, I believe he was.

Lord CAMPBELL.—Did you ever see them together? I have seen Mr. Cook up at Mr. Smith's.

Mr. *Serjeant Shee*.—Have you known them to dine together? No, I do not know that I ever have: Mr. Cook was to have dined at Mr. Smith's that day, but he was not able to go.—Do you know whose broth it was or who ordered it at the Albion; have you the means of knowing that? The landlady and me took it up, I suppose by Mr. Smith's orders.

Mr. *Attorney-General*.—Did you know anything about it?

Lord CAMPBELL.—What time do you think there was between the broth being brought in to you and the time when it was taken to the Talbot Arms? About five minutes, I think.

CHARLES HAWLEY sworn.—Examined by Mr. *Bodkin*.

Are you a gardener residing at Rugeley? Yes.—Were you occasionally employed by the prisoner? Yes.—Do you recollect going to his house on the Sunday before Mr. Cook died? Yes.

Lord CAMPBELL.—How were you employed for him? As gardener.

Mr. *Bodkin*.—How came you to go there on the Sunday? Mr. Palmer asked me whether I would take some broth to Mr. Cook.—Where did you see him when he asked you that? In his own house.

Mr. *Bodkin*.—How came you to go to his house on Sunday? I am in the habit of going very often.—What time of the day was it when he asked you that? Between twelve and one. Did he give you the broth to take? Yes.—What was it in? In a small cup with a cover.—Did he tell you what to do with it? To take it across to the

Talbot Arms for Mr. Cook.—Did you do so? I did.—Was the broth hot? I cannot tell, I did not look at it.—Did you feel it? No, I did not.—Whom did you give it to? I gave it to one of the servant girls.—Do you know which? I cannot tell whether it was Mills, I cannot say; it was one of the two.—Either Mills or Lavinia Barnes? Yes.

SARAH BOND sworn.—Examined by Mr. *Huddleston*.

Were you the housekeeper at the Talbot Arms in November last? Yes.—Did you know Mr. John Parsons Cook? Yes, I did.—I believe he had been staying there during the last year? Yes, he had.—Do you remember his going to the Shrewsbury races on the 12th of November? Yes, I do.—When did he come back; on Thursday, I believe.

Lord CAMPBELL.—There is no dispute about that.

Mr. *Huddleston*.—Did you see him on the Thursday night? Yes, I did.—Did he say anything to you about his state of health? I heard him say he was very poorly.—I believe you did not see him on Friday or Saturday? No, I did not.—At what time did you see him on Sunday? I saw him about eight o'clock.—About eight o'clock in the morning or evening? The evening.—Where was he? He was in bed.—Did he say anything to you about his health? He said he had been very ill, but he was better.—Did you see the prisoner on Sunday night? I did.—When did you see him? Very soon after I came up into Cook's room.—Did you say anything to him? I asked him what he thought of Mr. Cook; he told me he was better.—Had anybody slept in Cook's room with him up to Sunday night? On Saturday night he had some one with him.—Did you say anything to Palmer about any person? I mentioned to him about having some one with him; he said either him or Mr. Jerry Smith would be with him that night; he would not be left.—That was on Saturday night? Yes.—Did you say anything to him about any person sleeping with him on Sunday night? Yes, I asked him whether he would not wish some one to be with him; he said he was so much better he would not require any one; he would be much better without it.—Did you mention the name of any one to sleep with him? The Boots who lives there.—What is his name? Daniel Jenkins.—You asked him if Daniel Jenkins should sleep in the room? Yes, I did.—When you mentioned Daniel Jenkins's name did he say anything? He said he would much rather he would not; he was so much better that he would be better alone.—Did you see Palmer again the next morning, the Monday morning? Yes, I did.—At what time? It was a little before seven.—Where? He came into the kitchen to me.—Did he say anything to you? I asked how Mr. Cook was; he said he was better, and he asked me to make him a cup of coffee.—Did he say how the cup of coffee was to be made, whether it was to be strong or weak or how? He did not say.—Did you make the coffee? I did.—Did he remain in the kitchen while you made the coffee? Yes, he did.—What did you do with the coffee when you had made it? He took it from me; I gave it him, and he took it from me to take it to Mr. Cook.—Did he say anything to you about where he was going that day? Yes, he told me he was going to London.—Did he say anything about Mr. Jones? Yes, he told me he had written to Mr. Jones to come and be with him, because he was going to London; he thought it would be better.—Did you see Cook on the Monday night? Yes, I did.—You went up to his room I believe? I went up to his room.—How came you to go there? The waitress came and told me he was very ill.—At what time was that? It was between eleven and twelve.—When you went into the room was there any person with him? Not any one.—Had you heard the bell ring before? No, I did not hear the bell ring.—Where was he when you went into the room? He was on the bed, he was sitting up a little.—In what state was he? He seemed irritable, he seemed to be rather disappointed that it was not Mr. Palmer; he said it was Mr. Palmer that he wanted.—Did you stay in the room or did you go out? I went out.—How long might you have been in the room altogether? Not above two or three minutes.—How was he in the bed when you went in? He was sitting up a little, resting on his elbow.—Did you go down stairs? I did not go down stairs; I was going for a candle, but he told me not to get a candle, he did not want a light; I went on the landing.—Did Mr. Palmer come? He did.—What took place when Mr. Palmer came; where were you? I was on the landing.—Could you see into the room? I could see into the room.—Can you tell me what was done; did Palmer go into the room? Yes, he did, he went into the room.—What was done? I could not see what was doing, but I heard he was giving him some pills.—What did Palmer do; did he leave the room again? He left the room to fetch some medicine.—And then came back again? Yes.—How long was he away altogether? Not many minutes.—When he came back did you hear anything in the room? Nothing but hearing Mr. Cook was very sick and very ill.—Was anything else said or done? He told Mr. Palmer he thought he should die, and he must not leave him.



Lord CAMPBELL.—Did you hear that? Yes.—When you were in the passage? I was in the passage; Palmer told him he would do all he could to prevent that.

Mr. *Huddleston*.—Mr. Palmer came out again: did you say anything to him about Cook's relatives? I asked him if he had any relatives.—What answer did he make? He said he had only a stepfather.—You did not see Cook again, I believe, till the next day, the Tuesday? On Tuesday I saw him.—When was that? It was between 3 and 4.—That was when Mr. Jones came? Yes.—Did you take him up anything during that day? I took him a little jelly.—At what time was that? It was a little after 6.—I think you did not again see Cook alive? No.—How was he when you took him up the jelly? He seemed very anxious for it, and he said if he did not have something he thought he should die.—Did he seem to you to be better? I thought he seemed a little better.—You did not see him again alive? I do not think I did.—On the Wednesday morning did you get the key of the room? Yes, I did.—At what time in the morning? Between 8 and 9.—I believe you looked the door? Yes.—The door of the bedroom? Yes.—What did you do with the key? I took care of it.—Did you give it to any person? I gave it to Mr. Tolly the barber.—When did you give the key to the barber? It was about 9 o'clock.—On the Wednesday? On the Wednesday.—Did you give the key to Lavinia Barnes on Thursday? Yes, I did.—After you had given the key to Lavinia Barnes on Thursday, did you go up stairs into the room? Yes, I did.—Who was in the room when you went up? I met Mr. Palmer just coming out of the room.—Did you look the door after he came out? I am not certain whether I looked it or Mr. Palmer; he gave me the key.—The door was looked? Yes.—Did you give up that key when Mr. Stephens came on the Friday? Yes.—To whom did you give it then? I think I gave it to the undertaker.

Cross-examined by Mr. *Grove*.

At what time did you see Palmer on Monday evening? It was about 12, a little before 12.—Not before in the course of the evening? No, I had not seen him.—Can you tell me when the passengers by the express train from London arrive at Rugeley in the evening? The last train which stops at Rugeley is about 8 o'clock.—That is not the express? No.—The express does not go to Rugeley? No.—It is necessary for passengers coming by the express to have a fly or some conveyance from Stafford? Yes.—Can you tell me at what time they would arrive in the ordinary course? I cannot.—Would they arrive much before 10? I cannot say.—Did you not say Cook seemed rather irritable about Palmer not being there? When I went into the room he seemed disappointed that it was not Mr. Palmer; he said it was Mr. Palmer he wanted.—Did he seem in other respects unwell? I thought he seemed worse than he was.—Did you talk to him at any time? I offered to light his candle, but he told me not; so I left the room.—How long was the conversation you had with him? Not above two or three minutes.—Then he was sitting up in the bed, you said, I think? Yes.—Did you hear him on Monday state anything about his illness the night before? That would be on Sunday night: he told the chambermaid how ill he was.

Mr. *Attorney-General*.—Never mind what he told her; were you present? No, I was not present when he was ill on Sunday night.—Did you hear him say anything about his being ill on Sunday night? She told me.

Mr. *Grove*.—When you went in he said it was Mr. Palmer he wanted? Yes.—I think it was Barnes who told you he was so ill, which led you to go up stairs? Yes.—What had become of Barnes in the mean while? She had gone to fetch the doctor.—The first you heard of it was when Barnes came down in that way to fetch the doctor, she told you how ill he was? Yes.—That indeed you to go up stairs? Yes.—How soon after you left his room did Mr. Palmer come? Directly.—You remained upon the landing? Yes.—What led you to ask Mr. Palmer what relatives the man had? I thought he seemed so very ill that it was necessary to know.—Was it in consequence of what you had seen when you went into the room? Yes; and after Mr. Palmer was in he seemed so ill, he told Mr. Palmer he thought he should die.

Mr. WILLIAM HENRY JONES sworn.—Examined by Mr. *Attorney General*.

I believe you are a surgeon and medical practitioner living at Lutterworth? I am.—How long have you been in practice? Fifteen years.—I believe you were intimately acquainted with the deceased Cook? I was.—Did he from time to time reside at your house? He did.—How long had you been on terms of intimacy with him? Nearly five years.—What aged man was he? Twenty-eight.—Twenty-eight when he died? Yes.—Unmarried I believe? Unmarried.—And of no profession? No profession.—Was he originally educated for any profession? For the law.—I believe of late years he had entirely addicted himself to the turf? Yes, and to agriculture a little.—Had he

any farm? Yes.—Where? That was some years ago; two or three years ago.—For the last two or three years he had not? No.—Did he keep race-horses? He kept race-horses.—And betted on the turf? Yes.—Do you know when he became acquainted with the prisoner William Palmer? No, I do not.—How long have you known of their intimacy? More than twelve months I have known of their intimacy.—Did he consider your house at Lutterworth as his home? He did.—I suppose you attended him from time to time professionally if there was anything the matter with him? I did.—What had been the state of his health? His health was generally good.—We have heard it stated that he was not of a strong, robust constitution, but his health was generally good? His health was generally good; he was not very robust.—Was he a man of active habits? Yes, in general.—I think he hunted and played cricket? Yes, both.—I suppose you were aware when the Shrewsbury races were to take place? Yes.—Did he invite you to come over and see his horse run? Yes; I had a letter to that effect.—And I believe you went over in consequence? Yes.—Did you spend the Tuesday the 13th with him the day his horse ran? Yes.—That was Polestar? Polestar.—You are aware I suppose that the horse was? Yes.—He was staying at the Raven Hotel, I believe; you dined with him at the Raven Hotel? I did.—And some other friends? Several others.—The horse having won, I suppose there was a little extra champagne? Yes.—How late did you stay? I stayed till 12 o'clock.—Did you remain at the table till then? No.—What time did you dine? Between 6 and 7 we dined.—At what time did the party break up? Between 8 and 9 I should imagine.—Did he accompany you anywhere? He accompanied me down the town to the house of Mr. Frail, the clerk of the course.—You were going off by the train? Yes.—On your way to the train did you call at Mr. Frail's? We went to Frail's.—Frail was the clerk of the course I think? Yes.—Were you present at any conversation which took place between Cook and Frail? Yes; and Whitehouse—Whitehouse the jokey—was there.—I suppose the conversation turned upon racing matters? Entirely.—Do you remember whether Cook produced his betting-book upon that occasion? I saw him produce his betting-book to Whitehouse.—Did he calculate his winnings? He did.—On the horse? Yes.—Did you see his book? I saw the book; I did not examine it.—Did you see whether there were any figures in the book? I did not examine them.—He made a statement as to his winnings? Yes; he had seven to one.—At what time was it when you left? 10 o'clock.—Did you leave the hotel at 10 o'clock? Yes.—Did Cook continue with you, and did you continue to see him till that time? Till 5 minutes to 10.—Was Cook the worse for liquor at all? Most certainly not.—That evening, when you left him at 10 o'clock, you say he had not drunk at all so much as to affect his sobriety? Not the least.—Did he appear to you that evening to be otherwise than in his usual health? No, not otherwise.—I believe on the Monday after that you received a letter from Mr. Palmer? I did.—Have you the letter? Yes.—Will you produce it, and read it?

*The same was read as follows:—*

"November 18, 1855.—My dear Sir,—Mr. Cook was taken ill at Shrewsbury, and obliged to call in a medical man; since then he has been confined to his bed here with a very severe bilious attack, combined with diarrhœa; and I think it advisable for you to come to see him as soon as possible."

*Witness.*—That came to me on Monday morning.

*Mr. Attorney-General.*—I believe you were not well that day? I was very unwell that day.—On the next day, Tuesday, did you proceed to Rugeley? Yes.—What time did you arrive? About 3 o'clock, by the train.—You would get to the Talbot Arms, I suppose, about half-past 3? Yes.—Did you proceed to visit Cook? Yes.—In what state did you find him? He expressed himself to me as very comfortable.—Did you make any inquiry of him as to what had ailed him at Shrewsbury? "He had been very ill," his expression to me was.—Did anything else pass upon the subject of Shrewsbury?

*Mr. Serjeant Shee.*—You will not ask him about anything but his health.

*Mr. Attorney-General.*—What he had suffered at Shrewsbury?—No, he said he had been very ill at Shrewsbury.—He did not tell you what the symptoms were under which he had been labouring? No; he had been obliged to call in a medical man, he said.—After that did Mr. Palmer come to the room where you and Mr. Cook were? Yes; he came soon afterwards.—Did you examine Cook in Palmer's presence? I did.—Did you feel his pulse? Yes.—What sort of a pulse had he? A natural pulse.—Did you examine his tongue? Yes.—How was it? His tongue was clean.—Did you make any remark? I made the remark to Palmer, "This is hardly the tongue of a bilious diarrhœa attack."—Did Palmer say anything upon that? Palmer said, "You should have seen it before."—Did you prescribe or recommend anything for him at that time?



No.—Did you visit him again in the course of that afternoon? Several times.—During the course of that afternoon on the occasion of those visits did you find that he continued in the same state, or was there any change? There was a change for the better; his spirits were better and his pulse was better.—He seemed to you to be improving? I considered him decidedly improving.—During that afternoon was there any recurrence of the vomiting? He did vomit that afternoon. I gave him a little toast-and-water, and he vomited; he asked me for it.—Was there any diarrhœa as far as you are aware? Certainly not.—Where did the toast-and-water come from which you gave him? It was in the room.—I believe that evening Mr. Bamford came? He did.—At what time did he come? About 7 o'clock he came.—Had you learned before from Palmer that Mr. Bamford had been attending? Yes, he had informed me that he had called him in to his assistance.—When Mr. Bamford came what did he say as to the state of Cook? He expressed his opinion that Cook was going on very satisfactorily.—Was anything said by Cook then about the previous night? He objected to the pills the previous night.—What led to his speaking about the pills of the previous night? On examining him at the time.—Did you ask him anything about the previous night? It was mentioned—it was mentioned what he should have, what we were to prescribe for him, and he objected to having pills again.—Did you, as the medical man, mention pills? Mr. Cook mentioned the pills.

LORD CAMPBELL.—When you were consulting what he should have he objected to having the pills? Yes.

MR. ATTORNEY-GENERAL.—What did he say about that? I suppose Palmer was there throughout the whole of the time? Yes; he said they made him ill the previous night.—Do you remember what he said, and to whom did he address it? That I do not recollect.—After he had objected to taking the pills as having made him ill the previous night, did you three medical men withdraw? Yes, we did.—Tell us what passed then? Palmer proposed that Mr. Bamford should make up the morphine pills as before, at the same time requesting me not to mention to Mr. Cook what they contained.—On what ground? As he objected to the morphine so much.—What did Mr. Bamford say to that? Mr. Bamford agreed to it.—Did they go away? He left.—Who left? Mr. Bamford left.—Did you go back to Mr. Cook's room? Yes.—What became of Mr. Palmer? I think he went with me to the room.—How long did he stop there; have you any recollection about it? I have no recollection; not long.—After that were you in Cook's room in the course of the evening? I was in and out several times; I stopped with him a short time and then left him.—What state was he in? He was very comfortable all the evening.

LORD CAMPBELL.—Within what space of time were you in there several times? During the evening.

MR. ATTORNEY-GENERAL.—Was there any more vomiting? Not that I observed.—Nor any diarrhœa? No; there was action upon the bowels, but not diarrhœa.

LORD CAMPBELL.—Did you observe any bilious symptoms? No, it was natural.

MR. ATTORNEY-GENERAL.—I would ask you here whether you observed any bilious symptoms about him whatever? None whatever.—Had he symptoms of having recently suffered from a bilious attack? No.—You were in and out in the course of the evening, after Mr. Bamford went away; did Mr. Palmer afterwards leave? Yes, he left; he went over to his own house.—Do you know about what time that was? I think it was about 8 o'clock I went with him to his house.—How long did you remain with him? From a quarter to half an hour.—Did you then come back to Cook's room? Yes.—At what o'clock did you next see Mr. Palmer in Cook's room? Nearly 11 o'clock.—Did he bring anything with him? He brought a box of pills with him.—Did he show you the box? He opened them in my presence, and showed me the direction.—Upon what was the direction written? Upon a slip of paper.—Where was the paper? Round the box.—Did he call your attention to the paper? He directed my attention to the paper, saying, "What an excellent hand for an old man upwards of eighty to write!"—What was the direction upon the paper? I did not read it through, I merely looked at the handwriting.—Was it a good writing? A very good writing indeed.—After that, what did Mr. Palmer do with those pills? Mr. Palmer proposed to Mr. Cook to take them.—What did Mr. Cook say to that? Cook protested very much against it.—On what ground? On the ground that they had made him so ill the previous night.—What did Palmer say to that? Palmer repeated the request several times, and at last he complied with it.—What happened after he had taken them? After he had taken them I left him; I went and took some supper.—Did he retain them on his stomach? The moment he took them he vomited.—What did he vomit into? Into the utensil.—Was any search made in the utensil? Search was made by Palmer, and myself at his request.

—Search was made in the utensil for what? For the pills.—To see whether they had been brought off? Whether they had been returned.—By both Palmer and you? Yes, at his request.—At Palmer's request? Yes.—Did you find the pills? I found nothing retained.—Did he take the pills in the toast-and-water, or did he take the toast-and-water afterwards? He took them without anything.—When had he drunk the toast-and-water? It must have been previously: I do not know when.—What he brought off was toast-and-water? Yes.—And there were no pills in the toast-and-water? There were not; he had toast-and-water by his bedside.—As a medical man, should you say that the contents of the pills could have caused vomiting? Certainly not.—It came so quickly afterwards? Certainly.—The act of swallowing possibly might have done so? I should think not.—After he had vomited, what did he do? He lay down very comfortably, and we left him.—Did he appear quiet after that? Yes, quite.—You said that he seemed better before that; had he become stronger than he was when you first arrived? He expressed himself as stronger.—Had he got up? Yes, he got out of his bed.—And sat in a chair? And sat in a chair.—That was before Mr. Palmer came and gave him those pills? Yes.—Was that between the time you went over with Palmer to his house and the time Palmer came with the pills, or was it earlier than that he got up and sat in the chair? I can hardly recollect.—How was he in point of spirits that evening? His spirits were very good: he was very jocose.—He was laughing and joking? Yes; speaking of what he should do during the winter; he spoke of hunting.—He spoke of his future plans and projects? Yes.—After he had taken those two pills which Palmer brought at 11 o'clock, did you remain in the room with him, or did you go down stairs? I went down stairs to have some supper.—At what time did you return? Very nearly 12.—Had it been arranged that you should sleep in his room that night? At his request.—It was a double-bedded room? A double-bedded room.—Did you go to bed after you went upstairs? Yes.—How soon after you got upstairs? I talked to him a few minutes, and then went to bed.—At the time you last talked to him before you got into bed, how did he then appear to be? Rather sleepy, but quite as well as usual.—There was nothing about him at that time to excite any apprehension in your mind? Nothing at all.—After you went to bed, were you disturbed by him? I had been in bed 10 minutes, according to my impression.—What happened then? He suddenly raised himself up in bed.

Mr. BARON ALDERSON.—Had you gone to sleep?—No.

Mr. *Attorney-General*.—Tell us what happened? He suddenly started up in bed, and called out these words: "Doctor, get up; I am going to be ill; ring the bell for Mr. Palmer." I rang the bell.—Who came? The chambermaid came to the door, and he himself called out, "Fetch Mr. Palmer."—Called out to her? Yes, to her.—Did he say anything to you? He asked me to rub his neck.—Before that, had he asked you for anything? He asked me to give him something; I said I had nothing with me.

Lord CAMPBELL.—Something to relieve him he meant?—Yes; I said, "I have nothing with me; Mr. Palmer will be here directly."—In what position was he? Sitting up in bed at that time.—Did you observe whether there was anything in the expression of his countenance? Nothing very particular; the room was rather dark.—Then he asked you to do something? To rub his neck.—Did he say why? I do not think he said why; he said, "Rub my neck."—Did you rub his neck for him? Yes, and supported him.—What part of the neck? The back part of the neck.—How was he supported? He was supported by my arm at the time.

Mr. *Serjeant Shee*.—When you were rubbing him? Yes.

Mr. *Attorney-General*.—Did you observe anything about the back of the neck you were rubbing? There was a stiffness of the muscles; a sort of hardness about the neck.—How soon after the chambermaid went away did Palmer come? Very soon indeed; two or three minutes at the utmost.—Did he make any observation when he came in? He made the remark, "I was never so quickly dressed in my life."—Did you observe how he was dressed? I did not; I was so engaged.—Did he bring in anything with him? He gave him two pills; he told me they were ammonia pills.—What did he do with them? Cook swallowed them.—After he had swallowed the pills, what next happened? Directly he had swallowed them he uttered loud screams.—That was directly after he had swallowed them? Yes; he threw himself back in the bed, and was dreadfully convulsed.—I presume that, as the pills had been immediately before taken, it could not have been from the action of those last-taken pills? Certainly not.—You say he was dreadfully convulsed; did he say anything? He said to me, "Raise me up, or I shall be suffocated."—How long did the convulsions last? Five or ten minutes.—Was that before he called out to raise him up or he should be suffocated? At the time; that was at the commence-



ment of the convulsions.—Let me understand ; you say he threw himself back on the bed and was convulsed ; was it at the time he threw himself back upon the bed he called out to be raised up ? Yes ; just after he was down.—The convulsions then setting in, as I understand you ? Yes.—You say he was dreadfully convulsed ; over what parts of the body did those convulsions extend ? All the muscular fibres ; there was a violent contraction of every muscle of the body and a stiffening of the limbs.—When he called out to you to raise him lest he should be suffocated, what was done ? I endeavoured to do so with the assistance of Mr. Palmer, but I found it was quite impossible.—Owing to what ? Owing to the rigidity of the limbs ; when he found that I could not raise him up, he asked me to turn him over.—Did you do so ? I did ; he was quite sensible.—He was then quite sensible ? Quite sensible.—What happened next ? I listened to the action of his heart.—Was that after you had turned him over ? Yes.—What did you find ? I found it gradually to weaken ; I requested Palmer to go and fetch some ammonia for him ; some spirits of ammonia.—To revive the action of the heart ? Yes, as a stimulant.—For the purpose of reviving him, I suppose ? In the hopes of doing so.—Did Palmer leave for that purpose ? He went to his house and fetched a bottle.—How long was he gone ? A very short period.—What should you say ? Not above a minute ; he was very quick.—When he came back, in what condition was Cook ? The heart was gradually sinking, and life was almost extinct ; he died very quietly.—How soon after Palmer returned did he die ? Very soon afterwards ; he was not able to take the ammonia.—From the time when he first roused you to the time when he died, what period in your judgment elapsed ? When he first called upon me, do you mean ?—From the time when he raised himself in his bed, and called upon you to go for Palmer ? I suspect from ten minutes to a quarter of an hour.—Of what, in your judgment as a medical man, did he die ; what was the proximate cause of death ? He died from tetanus in my opinion.—How in ordinary English parlance should you express the meaning of that ? Locked-jaw.—Does it involve, ordinarily speaking, a mere locked-jaw ? Yes, that is the common term.—Locked-jaw is one of the symptoms of tetanus ? Yes ; every muscle in the body was affected in the same manner.—How should you express in ordinary English the general symptoms of what you call tetanus in one word ? Violent spasmodic affection of all the muscles of the body.—In what way does that affect the immediate cause of death so far as you are aware ? By stopping the action of the heart, and also the breath, from its effects on the diaphragm.—Does it affect the respiratory muscles ? Yes, certainly ; it stops respiration.—Is it that spasm of the respiratory muscles which causes the sense of suffocation ? Yes.—When death took place, was he still upon his side ? He was upon his side.—After death ; in what position was he when he was dead ? Upon his side still.—Did you turn the body upon its back ? No.—Did you observe what was the outward appearance of the body after death ? It was very dark ; I could not make the observation I otherwise should have made ; there was only one candle in the room.—Had you any opportunity of observing in what position his hands were ? Yes, clenched.—Both hands ? Both hands ; the left hand particularly, which I had in my hand.—How soon did you observe that clenching of the hands ? Immediately the attack took place, when he threw himself back.—At the time you were rubbing his neck, did you observe anything the matter with the hands ? No.—At what part of the attack ? When he threw himself back.—Which you say was immediately after taking the pills Palmer brought over ? Yes.—When you were rubbing his neck, you did not at that time see the hands clenched ? No.—Did you observe either before or at the time of death, or immediately afterwards, anything in the position of the head and neck ? Yes ; the head was quite bent back.—When you say quite bent back, do you mean bent back into an unnatural position ? Yes.

Lord CAMPBELL.—By spasmodic action ? By spasmodic action.

Mr. Attorney-General.—Did you observe whether there was any effect produced by spasmodic action in the formation of the body as regards the back ? Yes, the body was twisted back like a bow ; the back-bone was twisted back.

Lord CAMPBELL.—When did you observe that appearance ? Immediately after death, or all the time ; indeed, after throwing himself back, he was immediately drawn back.

Mr. Attorney-General.—If you had placed the body at that time upon the back, in what position would it have rested ? Upon the head and heels ; if I had placed the body in that position upon a level surface, it would have rested upon the head and heels.—Did you observe anything immediately after or at the time of death about the jaw ? No ; his face was turned away from me, I could not notice that.—After death, did you see whether the jaw was in its natural condition, or whether it had been affected by spasmodic action ? It was all affected by spasmodic action.—After he was dead, did Palmer

say anything to you upon the subject of any claim he had upon Cook? Yes, it was mentioned afterwards.—When was that? That night; not exactly a claim.

Lord CAMPBELL.—When was it? Some time after the death, that night.

Mr. *Attorney-General*.—How long did Palmer remain after the death? From half an hour to an hour, I should think.—Did he desire you to send a woman-servant in to him? No; that was a suggestion of my own.—What did you suggest? That we should have some women to lay him out. I went out of the room to speak to the housekeeper, and told the two servants to go in; the two maids were standing on the steps just by.—How long after that did Palmer remain? He was some time after that.—You went down stairs; how long did you remain down stairs? I remained a few minutes down stairs with Miss Bond the housekeeper, and I returned and found Mr. Palmer in the room with Mr. Cook's coat in his hand.—What did he say? He remarked to me, "You, being his nearest friend, had better take possession of his effects."—Did you take possession of anything? I did; I took possession of his watch and his purse containing five sovereigns and five shillings; that was all I could find.—You did not find any betting-book, nor any papers? No.—Any letter? There were two letters which I had brought with me.—Where did you find those letters? Those letters I had brought with me from the country.—You had delivered them to Cook? Yes, and he said he would see them in the morning.—Had they been opened? I had just opened them; he had told me to do so; they were letters from his brother; they were not letters of importance.—After that, before Palmer left, did he say anything to you upon the subject of affairs as between Cook and himself? He did.—You said you found five sovereigns and five shillings; did you find any bank notes? None whatever.—Now tell us what passed between Palmer and yourself upon the subject of their affairs? He said it was a bad thing for him Mr. Cook was dead, for he was responsible.

Lord CAMPBELL.—Give us the words? That is it as near as I can recollect.—He said "it is a bad thing for me"? Yes.

Mr. *Attorney-General*.—What "is a bad thing for me"? That he died, for he was responsible.

Lord CAMPBELL.—He said "I am responsible," I suppose? Yes, "I am responsible for 3000*l.* or 4000*l.*, and I hope Mr. Cook's friends will not let me lose it;" that if they did not assist him, all his horses would be seized on.

Mr. *Attorney-General*.—If they did not assist whom? "If they do not assist me all my horses will be seized on."—All whose horses? Palmer's horses.

Lord CAMPBELL.—He said "I hope Mr. Cook's friends will not let me lose it, for if they do not assist me all my horses will be seized." Yes.

Mr. *Attorney-General*.—Was anything said by him about securities or paper? No, nothing more than that.—I think you were present when Mr. Stevens his step-father came? Yes, I was.—Did you hear what passed between them on the subject of the funeral? Yes, I heard some remarks; Mr. Palmer said if Mr. Stevens did not bury him, he should himself.—Was there any question then about Mr. Stevens not burying him? No, I do not recollect it.—Do you remember how the observation arose? I do not recollect.—I believe you dined together that day? We did.

Lord CAMPBELL.—With whom? Mr. Stevens, Mr. Palmer, Mr. Bamford, and myself.

Mr. *Attorney-General*.—After dinner did Mr. Stevens make any request to you about Cook's books and papers? Yes; he requested me to go and look for his betting-book.

Lord CAMPBELL.—Where did you dine? At the Talbot Arms.

Mr. *Attorney-General*.—At what time of the day was this? About mid-day; about 2 o'clock I think.—Mr. Stevens, I think, was going off that evening? Yes.—Before he went, you say he asked you to go and look for his betting-book? Yes.—Palmer being then present? Yes.—Did you go out and look for it? I went and searched, and he came with me.—Who did? Palmer.—How soon did he follow you after you went out of the room? Directly afterwards.—Was anything said by him upon his following you? He had told me previously, on the night Cook died, "the betting-book will be of no use to any one," that it most probably would be found.—What was said then upon the subject of the betting-book? It was mentioned.—What led to this; how came you the night of the death to have any conversation with him upon the subject of the betting-book? On taking possession of the effects.—Did you make any observation upon the subject of the betting-book? I think I did.—He told you, as his friend you ought to take possession of his effects, and you told us you did take possession of some effects? What I could find.—Did you look for the betting-book.—Yes, in a very cursory way; I looked on the mantel-piece.—Did you find it? No.—Not finding it, did



you make any remark? No, no particular remark; he said, "It is sure to be found, but it is of no use to any one."—Did he know what you were looking for? Yes.—How? I said "Where is the betting-book?"—You asked him, when you did not find the betting-book, "Where is the betting-book?" Yes.—Upon that he said, "I have no doubt it will be found, but it is of no use to any one?" Yes, "all the bets are void."—Are you sure he said that to you, "all the bets are void"? Yes, "all the bets are void."—I am certain of it; "When a person dies," he said, "all the bets are void."—I do not know whether you are sufficiently acquainted with the turf? I am not acquainted with it at all.—Now, I will go back again to the Friday; you say he went up stairs with you when he went into Cook's room to look for the betting-book? Yes.—Did you look upon that occasion? Yes.—Was any application made to the maidservant about it? I could not find it; I came down stairs, and he came with me; I spoke to the maidservant about it.—I believe you went into the room where Mr. Stevens was? Yes.—Did you tell Mr. Stevens what was the result of your search? Yes; that I could not find it.—Palmer went in with you, I believe? Yes.—What passed upon the subject of the betting-book? I do not recollect the remarks distinctly.—That evening, when you had sent the maidservant in to speak to Mr. Palmer on the subject of the women laying out the body, you went down stairs you say; how long were you absent before you returned to the room? Two or three minutes, not more.

LORD CAMPBELL.—In the consultation which you three medical men had on Tuesday night, was anything said about the symptoms which had occurred the night before; the spasms of the night before? No.

Cross-examined by Mr. *Serjeant Shee*.

You stated that you were a medical practitioner at Lutterworth; you said how many years you had been in practice? About fifteen years.—You pursue the profession seriously as a means of living; is that so? Yes.—And I presume are a regularly educated medical man? Yes.—A surgeon, a member of the College of Surgeons? I am a licentiate of the Apothecaries' Company.—You did when you were a younger man, and have done since, endeavour to qualify yourself for the practice of your profession? Certainly.—As to Mr. Cook, he lived a good deal at your house? He did lately.—His health, you say, was pretty good? Pretty fair.—You know he had been ill, do you not? He had occasionally had a slight illness.—Did you know that he had been under treatment by Dr. Savage for some time? Yes.—You knew he had treated himself a good deal with mercurial treatment? No, not a great deal.—Did you know that he had had for a considerable time a sore throat? Yes.—How long had he had that? Two or three months.—At that time was it very bad? In the summer it was bad.—Was it bad to the extent of being ulcerated? It was slightly ulcerated; not a very extreme case; the back part of the tongue.—Was it so ulcerated as to make it troublesome to him sometimes to swallow? No, he could swallow; it gave him a little pain occasionally.—It depended a good deal, I suppose, upon what he did swallow? Yes.—Did you know of his having found it necessary to apply caustic to his tongue? I knew he did do it and had it done.—How long before his death had you known him to do that? For two months he had ceased to do it.—After he had ceased to do that, did he complain of occasional pain in his throat? No.—Nor his tongue? No.—Had you seen much of him during those two months? Not a good deal; occasionally.—He came and stayed two or three days at a time? Yes.—Attending almost all the races, I believe? Most of the races.—Was he apprehensive about some spots which appeared upon his body? I never heard him mention it.—Did he ever express any apprehension of his being affected by secondary symptoms of venereal disease? Yes.—Were his habits, as far as you knew them, such as to make it probable that that might be a well-grounded apprehension? His habits were correct, generally speaking, though he may have occasionally gone astray.—They were generally correct, but he sometimes indulged himself? Yes.—And perhaps was not very particular? No.—Do not you know that he had a chancre at the time he died? No.—I do not apprehend you knew at the time he died he had one, but do not you know now? Twelve months ago he had, I believe.—Do not you now know that when he died he had a chancre on the penis? I was not aware of it.—You were not aware of it till I mentioned it? No.—Were you present at either of the post-mortem examinations? No.—Was he much reduced in circumstances, to your knowledge, at the time he died? Yes, he had been before, but he was rather redeeming his position I understood; he told me so.—That was by racing? Yes.—You had, probably, no accurate knowledge of his affairs? No.—You knew he was constantly in want of small sums of money, did not you? No; he never told me that.—And you did not observe it? I did not.—What horses had he? Polestar was one; that was the principal horse: I did not know much about his racing matters.—Do you know if he had several horses? I know he had several.—Do you

know if he had any in which he was a joint owner with Palmer? I know he had one.—Was that a mare which was under the care of Saunders the trainer? Yes.—Pereine? Yes.—You were at the races with him at Shrewsbury? Yes.—I presume he was very anxious before that race came on? Of course he was.—You knew it was a case, so to speak, of life and death to him, or of great importance to him? Of great importance to him.—Did you observe on the race-course, before the race was run, he was very anxious and excited? He was very excited after the race was run; I did not observe anything extra before that.—You say he was very excited? Yes.—You are not a racing man yourself? No.—You have been at races, I suppose? Yes.—Was there anything remarkable about his manner? He was very excited, and for two or three minutes he could not speak to me.—And elated and happy the rest of the evening? Yes.—I suppose he drank freely and enjoyed himself?—No; he was a temperate man.—On that Tuesday? He was not at all intoxicated.—You went away that evening? Yes.—The next you heard of him was from the letter of Palmer? Yes.—I suppose Palmer knew very well who you were, and that you were in practice in Lutterworth? Yes.—You saw him on the afternoon of Tuesday and consulted about the pills, and he objected to taking the morphia pills? Yes.—Did he state why he objected? Because they made him ill.—Did he state anything about Dr. Savage having recommended him not to take pills? He said Dr. Savage recommended him not to take calomel.—Did he say anything about Dr. Savage having recommended him not to take morphia as well as calomel? Not to take opium, he said.—I presume the effect of morphia would be to make him sleepy? To soothe him.—And enable him to take his rest? Yes.—Would it also have the effect of constipating his bowels? Opium would to a slight degree.—During the morning you said that he was better and sat up, and that he was very cheerful? In the afternoon; he did not sit long; a very short time.—When he was first attacked that night, after you had got to bed and were roused up, and when Palmer came, did he say, “Palmer, give me the remedy”? Yes, which he had given the night before.—“The remedy you gave me the night before”? Yes.—About how long were you rubbing his neck; five minutes? I should think five minutes.—You say, after Mr. Palmer gave him the two last pills he desired you to raise him lest he should be suffocated, and then to turn him over; after he was turned over how many minutes elapsed before his death? Three or four minutes, I should say.—He died, you say, very quietly? Very quietly; I could hardly tell when he did die.—Was it from the time you put your face to his heart? Yes.—From that time he was composed and died quietly? Yes.—You knew very well what tetanus was, did not you? Yes; I had seen cases before.—You said nothing about tetanus at the inquest? Yes, I did.—You did not state anything about tetanus, did you? Yes; if you refer to my depositions you will find it, I think; convulsions and tetanus.—Did not you say you could not tell the cause; you imagined at the time it was from over-excitement? Yes; I could not imagine what the cause was.—Did not you say at the time it was from over-excitement he died? I could not tell the cause; I was taken so much by surprise.—Did you say you had no idea of the cause of death? I did.

Mr. *Attorney-General*.—I think I ought to set this right: I have the deposition here before me: “I never saw symptoms so strong as those I witnessed; they were strong symptoms;” and then the man has written something which he evidently did not understand, and he has put “compression;” he has scratched that out, then “tetinus;” and he has scratched that out, and put “violent convulsion.”

Mr. *BARON ALDERSON*.—This is spelt “tetinus.”

Mr. *Attorney-General*.—Yes, my Lord.

Mr. *Serjeant Shee*.—Whatever you said about “violent convulsions,” did you say, “I could not tell the cause; I imagined at the time it was from over-excitement”? Yes.

Lord *CAMPBELL*.—You really cannot ask him as to the contents of the deposition.

Mr. *Serjeant Shee*.—I only do it to save time.

Mr. *Attorney-General*.—If there is any doubt as to his having said the same thing there, I had rather have it read.

Mr. *Serjeant Shee*.—Was it read over to you before you signed it? Yes.—Did you read it before you signed it? I think not, as far as I recollect; I well remember using the word tetanus.—Did you take it sheet by sheet, and sign each sheet? You will find my signature to it, I suppose.—Did you put the pen to it at all besides signing it? I put my name to it, that was all.

(*The deposition of the witness was read.*)

Mr. *Serjeant Shee*.—There is one thing in this deposition which I will call your attention to: I see in the deposition you say, “I had been in bed a quarter of an hour or twenty minutes:” your impression to-day is ten minutes; was not it as much as twenty minutes? I do



not think it was.—Had you begun to doze, yourself? No, I had not.—You remember the last scream, when he fell over after having the pills; have you at any time stated that you thought he died of epilepsy? I do not recollect that I have stated so: I could not imagine what the fit was at the time; Mr. Bamford said it was apoplexy; I said it was not.—When Mr. Bamford said it was apoplexy, you said you thought it was not; you could not make up your mind what sort of fit it was? I could not.—Was not it your impression at one time, and did you not say, it was an epileptic fit? I said it was more like an epileptic fit than apoplexy.—I believe there are some sorts of epileptical attacks where the patient does not lose his consciousness? They generally lose consciousness.—There are epileptical forms of convulsion in which the mind does continue unaffected, are there not? I never met with one.—You know, as a man of science, do not you? I cannot recollect one.—It is always so in hysteria, is not it? Yes, it is frequently so.—Did you know anything of Mr. Pratt? No.—Do you know that you brought Cook a letter from Mr. Pratt, from Lutterworth? Yes.—Do you know what the contents of that letter were?

Mr. *Attorney-General*.—Do not state what they were; that will appear from the letter itself. They were matters in which I never was mixed up.

Mr. *Serjeant Shee*.—Did it produce any effect upon him when he read it? He did not read it; he said, "I know the contents of it; let it be till to-morrow morning."—Did he seem to be put out, by it? No.—Had you an opportunity while you were at Rugeley of knowing anything of the sort of racing establishment Palmer had there? Very little.—Did you go into his paddocks? Yes.—Did you see a good many mares there? Yes.—Some with foals? Yes, he showed them to me.—Did it appear to you to be an expensive establishment as far as it went? Yes.—Valuable-looking horses? Yes.—Good stables? It was a good-looking establishment.

.Re-examined by Mr. *Attorney-General*.

I suppose you have not much acquaintance with race-horses? Not at all; not race-horses.—You were asked about the mare called Pereine, in which they had a partnership; do you happen to know whether that partnership had been discontinued, and Pereine had become Palmer's own? I recollect the circumstances.—Do you recollect how it was? Cook told me they had tossed up for it, and Palmer had won it; and he said he had won a loss.—How long was that before Cook's death? Some months.—Polestar was Cook's property? Yes.—You were asked whether he had at any time a chancre; you said, yes: how long was that before his death? Twelve months ago.—Did you attend him for that? I did.—This sore throat which you are speaking of, did you attend him for that? Sometimes, when he was at home.—You were asked whether you had seen other cases of tetanus, and you say you had of traumatic tetanus; how many do you think you have seen? I have only seen one.—Was that from a wound? From a wound; a wound on the thumb.—Did it end in death? Yes.—How long was the patient in dying from the time he received the wound? Three days.—Were the convulsions there as severe as those you have spoken to? No.—What was the principal spasmodic action; I suppose the locking of the jaw? Yes.—The patient died of lock-jaw? Yes, of muscular convulsion.—Something was said after the death about apoplexy, I understand you? Yes, by Mr. Bamford.—Did he say after the death, he thought it was apoplexy? Yes.—Upon that, if I understand you, you said it was more like epilepsy? Yes.—Had you ever seen cases of epilepsy? Yes.—Are there any such symptoms in epileptic fits as those convulsive spasms of the muscles? No, the consciousness is lost.—And there is none of this rigidity of the muscles? No, it is dissimilar.—How is it with regard to consciousness in apoplexy? That is generally lost too.—Therefore, when Dr. Bamford said it was apoplexy, you contradicted it? I did.—Are you satisfied that in this case it was not apoplexy? Yes, in my own mind.

Mr. *Serjeant Shee*.—I do not know whether your Lordship has this upon your notes; there was a little confusion at the time: "I thought the sore throat was venereal, and several other medical men did, as Cook told me."

Mr. *Attorney-General*.—I think what he said was, "I considered the sore throat venereal, and several other medical men thought so too, as Cook told me." Yes, that was it.

Mr. *Serjeant Shee*.—I did not hear it myself.

Lord CAMPBELL.—Supposing he had any secondary symptoms of syphilis, do you think that they could have produced the symptoms you saw on the Tuesday night? No, I say not, decidedly, and for two months before death he was clear of them, and the throat was well.

Mr. *Serjeant Shee*.—Will your Lordship allow me to ask a question of one of the witnesses who is sitting there—it is Lavinia Barnes—whether on Monday morning Cook

did not say he had been very ill on Sunday night just before 12, and had rung the bell for some one to come, but he thought they were all gone to bed?

Lord CAMPBELL.—She had better be recalled.

LAVINIA BARNES called again.

Mr. *Serjeant Shee*.—On Monday morning did Cook say to you he had been very ill on Sunday night just before 12 o'clock, and had rung the bell for some one to come to him, but he thought you had all gone to bed? Yes, he did; he did not say he had rung the bell, he was near ringing the bell.

Mr. *Attorney-General*.—Did he tell you what it was that had alarmed him? No.

ELIZABETH MILLS recalled.

Mr. *Attorney-General*.—Do you recollect when you went into Cook's room on the Monday morning his telling you about his having been disturbed in the night? Yes.—Tell us what he said. "I was just mad for two minutes," he said.—Was that in answer to any question you put to him? No.

Lord CAMPBELL.—How did he come to say that? I was asking him how he was.

Mr. *Attorney-General*.—I asked you if you had put any question to him; you asked him how he was; what did he tell you? He "was just mad for two minutes;" I said, "Why did not you ring the bell?"—Before you asked him why he did not ring the bell did he tell you what had occasioned this feeling of his for two minutes? No, I believe not; I said, "Why did not you ring the bell?" he said, "I thought you would be all fast asleep and not hear it."—Recollect yourself for a moment; did he tell you of anything having happened in the street? Yes.—Was that at the same time he told you he had been just mad for two minutes? It was at that time.—What did he say? I asked him why he did not ring the bell.—You say something about the street; when did he say that? I believe after we had spoken about ringing the bell.—After you had asked him about ringing the bell? He said he thought we should all be fast asleep, and it passed over, and he tried to manage without us, without calling us up.

Lord CAMPBELL.—What did he say about the street? He said he thought he was disturbed by hearing a quarrel in the street.—Did he say what effect that had had upon him, the quarrel in the street? No, nothing more.—Was that all he said, or was there anything more? That is all I can remember.—Try and recollect; did he say how the noise in the street had affected him? He was not sure that it was that which had made him ill; that he might have been asleep, and the quarrel might have disturbed him.—Did he say so? I cannot positively recollect whether he said so or not.

HENRY SAVAGE, M.D., sworn.—Examined by Mr. *Attorney-General*.

I believe you are a physician, living at 7, Gloucester-place?—Yes, I am.—Did you know the deceased man, Cook? Yes, very well, during the past year.—How long had you known him? About four years.—Was he in the habit of consulting you professionally from time to time? Yes, during the last four years.—We have heard that he was not a man of robust constitution? No, he was not robust.—What was his general health during the time you had known him? Good for a man who was not robust.—Had you reason to think at all that he was of a pulmonary disposition? I only suspected that from his complaining of his throat; his throat induced me to examine his chest with that view.—Did he come to you in the month of May in 1855? He came to me in the month of May; I saw him just before; I saw him early in the spring; and I saw him late in the autumn, about November, 1854.—What did you see him in November, 1854, for? Simple indigestion: when he came to town, if he felt a little out of order, he used to call upon me.—In the spring of 1855, what did he come to you for? The old affair of indigestion was one subject of complaint, but he was anxious particularly about some slight spots about the skin; one or two only.—Where were they? One on his arm and one on his forehead.—Had he any ulceration on the mouth? Yes, he had two shallow ulcers on the tongue corresponding to bad teeth.—Bad teeth will occasionally produce ulceration in the mouth? Yes.—Did you learn from him at that time that he had been treated for those sores mercurially? He said he had been under a mild mercurial course.—Did he apprehend that those spots and ulcerations were syphilitic? Yes, he apprehended they were what he called secondary symptoms.—You, I believe, were of a different opinion? Yes; I thought they were not.—Was he at that time going on with this mild mercurial course? I think up to a day or two before he saw me he had taken mercury in some form.—Did you recommend its discontinuance? Its immediate discontinuance.—What did you give him? Quinine as a tonic, and an aperient containing cream of tartar, magnesia, and sulphur. How long did he continue to take that?



Lord CAMPBELL.—I suppose the exact ingredients are not important?

Mr. Attorney-General.—It may be of importance, from what I understand: you gave him quinine as a tonic, and, as an aperient, cream of tartar, sulphur, and magnesia? Yes.—Did you at any time give him autimony? No, not at any time.—Under that treatment which you prescribed, did those sores gradually disappear? They were quite well by the end of May.—Did he, nevertheless, continue to come to you afterwards from time to time? Yes; I saw him very frequently in June.—What did he come to you in June for? Still feeling some little anxiety about the correctness of my notions of his not having syphilis, if he saw a spot he would come to make sure I was correct in my notions.—I suppose you too were anxious? Yes; I felt there was some difference of opinion between me and the medical man in the country, and therefore I was particularly anxious to see whether my treatment was correct.—Supposing you had been wrong, the consequences might have been serious? It would have been damaging to my reputation and injurious to him.—Did you examine him from time to time, and attend to see that those symptoms did not return? Whenever he came I examined him carefully.—Was your attention directed to his throat? Yes.—Was there anything the matter with it? He never had the least ulceration of the throat.—Was there anything the matter with the throat? One of his tonsils was slightly enlarged; there was very little tonsil upon one side, and a very large one on the other; it was red and tender.—It was, in your judgment, one of those cases of diseased tonsil to which anybody may be subject? I thought so.—Was there anything of a syphilitic character in the appearance of the throat? No.—He continued under your treatment till when? Till a fortnight before his death.—Did you see him a fortnight before his death? I saw him on the 5th of November; either the 3rd or the 5th, I am not quite sure which; I saw him on the 29th of October, and about a week afterwards.—Did you examine him on those occasions? On the 29th of October and the 3rd or 5th of November I examined him particularly, because I thought he was going away.—Did you recommend him to go away? I recommended him to go abroad: I dwelt on the pulmonary symptoms: I thought under the left lung there was an indication of pulmonary affection; subsequently that rather disappeared: I nevertheless dwelt on the symptoms, as affording a good excuse to get him away.—You wished to get him away from his turf associations? Yes.—You wished him to go abroad? Yes, for two years.—Upon that occasion did you carefully examine him? I did.—I believe you did not confine your examination upon those occasions to the upper parts of the body? No; as it was an open question as to secondary symptoms, I examined his penis.—You examined those parts where that disease would primarily show itself? Yes.—Was there anything venereal about him? I thought not: there was a very shallow scar, indeed, of some former excoriation, to which he told me he was liable; he generally got rid of them.—In your judgment, there was nothing venereal about him at that time? No.—No chancre? Certainly not.—Nor any sore in any other part of his body? No.—And that you saw was the case up to within a fortnight of his death? Yes.

Cross-examined by Mr. Serjeant Shee.

He was strongly in favour of mercury himself, was not he? No; I do not think he was in favour of mercury; but he was a weak man, and very apt to take the advice of any person he might be in company with.—A man who would take a quack medicine, I suppose? I do not know that he would.—A man who would be likely to do that? No; I think he had a little more sense than that; he would have his throat cauterised by any one he might be with, I mean any medical man; he was hipped on the subject of his throat.—I understand you to say his throat was not quite well; his tonsils were not quite well the last time you saw him? He had a redness over one tonsil, showing there was tenderness; very often delicate people will have that sort of sore throat, which is produced by a redness of the membrane.—He was not in a state that brandy-and-water pretty strong would do him much good? Brandy-and-water pretty strong would not do him good under any circumstances.—Had he ulceration on the lips? Yes; three or four very superficial ones on the lips.

Lord CAMPBELL.—When you last saw him? No; everything of that sort was quite well in May.—Was there a redness of the tonsils when you last saw him? There was a slight redness of the tonsils; but everything else was well in May.

Mr. CHARLES NEWTON sworn.—Examined by Mr. James.

What are you? Assistant to Mr. Salt, the surgeon of Rugeley.—Mr. Salt is a practising surgeon there? He is.—Do you know William Palmer? I do.—Do you remember Monday the 19th of November? I do.—Did you see William Palmer on that evening? I did.—Where did you see him? At Mr. Salt's surgery.—Did he come there

to you? He came there about 9 o'clock in the evening.—Were you alone when he came to you? I was.—What did he say to you? He asked me for three grains of strychnia.—Did he say more to you? I weighed it accurately, and gave it to him.—In what did you give it to him; how did you enclose it? In a small paper.—It is a white powder, is not it? Yes.—What did he say to you when you gave it him? He did not make any remark; he said "Good night."—Did he take it away with him? He took it away with him.—Did he pay you for it? No; he did not.—You say he did not pay you for it; did you give it to him, or sell it to him? I gave it to him.—You knew him to be a medical man? Yes; I did.—And you made no charge? No charge.

LORD CAMPBELL.—What would have been the charge?—We do not sell drugs; we do occasionally sell just pills, or anything of that kind; we have not a retail shop.

Mr. *James*.—You mean, you sell medicine as apothecaries, made up; but you would not sell strychnia to an ordinary person coming for it? No.—How long did this occupy, his coming for the strychnia and your giving it him? I do not think he was in the shop above two minutes; just while I weighed it accurately.—When did you see Palmer again? On the 25th of November.—Did you see him on the 20th, the following day? Yes, the 20th of November.—Where did you see him on Tuesday the 20th? At Mr. Hawkins's shop.—What is Mr. Hawkins; what shop does he keep?—A druggist's.—About what time of the day did you see him on the Tuesday at Mr. Hawkins's shop? I am not quite sure about the time; between 11 and 12 o'clock, I think.—In the day? In the daytime.—Was Hawkins's, the druggist's shop, the shop at which you dealt for medicines and compounds? Yes; we have drugs from them when we are out; we have our drugs generally from London.—Were you in the habit of calling in at Hawkins's shop as you went by? Very frequently.—Did you say that Palmer was in the shop when you went in? He was.—Did he speak to you? He did.—What did he say to you? He asked me how I was, and put his hand upon my shoulder, and I went with him to the door.—How came you to go to the door with him? He put his hand between my shoulders, and said he wished to speak to me.—You went to the door with him? I did.—When you got to the door with him, what did he say to you? He asked me when Mr. Edwin Salt was going to his farm? Did you go only to the door, or did you go out into the street? Out into the street; when we got to the door, Mr. Palmer went a little distance from the door.—Into the street? Yes.—When you were in the street with him, what did he say to you? He asked me when Mr. Edwin Salt was going to his farm; and whilst we were talking, a person of the name of Brassington came up.—Was Mr. Edwin Salt the son of Mr. Salt, your employer? He is.—Where was the farm which he asked if he was going to? At Sndbury.—About how far is that? Perhaps 14 miles; I never was there.—Had Palmer anything to do with this farm at all; did you understand what he meant? It was rumoured in the town that Mr. Edwin Salt was going.—Had Palmer anything to do with it? Not at all.—While he was speaking, you said something about Mr. Brassington? Mr. Brassington came up; Mr. Brassington, the cooper.—Did Brassington speak to you, and enter into a conversation with you? He did.—While Brassington was speaking to you, what did Palmer do? Palmer went away.—Did you remain in the same place where Brassington spoke to you? Yes; Mr. Brassington had two bills for Mr. Salt.—What was Brassington? A cooper.

LORD CAMPBELL.—What bills were they? Bills for money.

Mr. *James*.—Bills he had against him? Yes.—Bills for what he had done? Yes; for work done for Mr. Salt.—Did Brassington speak to you about those bills, and engage your attention? Yes.—While Brassington was talking to you about those bills in the street, what did Palmer do? He left me, and went into Hawkins's shop.—He went back again into the shop? Yes.—Did you see Palmer come out of Hawkins's shop? I did.—When he came out of Hawkins's shop, were you still talking to Mr. Brassington in the street? I was.—Did Palmer speak to you when he came out of the shop?—I am not quite sure; he went by me. I was talking with Mr. Brassington at the time.—Which way did he go? Towards his own house.—How far is Hawkins's shop from Palmer's house? About 200 yards, I should think: perhaps more; between 200 and 300 yards.—After your conversation with Brassington had ended, did you go into Hawkins's shop? I did.—You must not tell us what you said; is there a person of the name of Roberts, an apprentice at Hawkins's? Yes; there is.—Was he in Hawkins's shop, serving, when you went in? He was in the shop.—You must not tell us what he said when you went into the shop; had you some conversation with Roberts about Palmer? Yes.—Do you know a man of the name of Thirlby? Yes.—Does Thirlby deal in drugs? He does.—Has he ever been assistant to Palmer; is he a man who succeeded to Palmer's business, do you know? He is.—Had you some conversation about Thirlby with Roberts; was Thirlby's name mentioned? It was not.—Do you, of



your own knowledge, know whether Palmer usually dealt with Thirlby for drugs? Yes; he dispenses all his medicines.—You mean Thirlby dispenses Palmer's medicines? Yes.

Lord CAMPBELL.—What do you mean by dispensing Palmer's medicines? He acts for Mr. Palmer.

Mr. James.—If Palmer wishes to give medicines to a patient, you mean Thirlby makes them up? Yes.—Do you know that Thirlby has succeeded to the apothecary's business that Palmer had? I do not know whether Palmer was in practice before I came; I understood he had been.—At this time in November, I mean? Yes.—Do you remember Sunday the 25th of November? I do.—Where were you about seven o'clock on that evening? At Mr. Palmer's house.—What was the cause of your going there? I was sent for.—Who came for you, do you remember? I am not quite sure.—You went to Palmer's house in consequence of being sent for? Yes.—Where did you find Palmer when you went? In the kitchen.—What was he doing? He was reading; sitting by fire, reading.—What did he say to you? He asked me how I was: he asked me to have a little brandy.—Did you sit down and take some? I did.—You sat down and took some brandy? I am not quite sure whether I did sit down.

Lord CAMPBELL.—Had you some brandy? Some brandy-and-water.

Mr. James.—What did he say to you?

Lord CAMPBELL.—Was there any one else present? No, there was not.

Mr. James.—What did he say to you? He asked me what would be a dose of strychnia that would kill a dog, I told him a grain; he asked me whether it would be found in the stomach, what would be the appearance of the stomach.—After death? Yes.—What did you say? I told him there would be no inflammation, and I did not think it would be found.—Did he make any remark upon that? I think he said, "It is all right."

Lord CAMPBELL.—You think he said so? That it would be all right, as if he were speaking to himself, and he did that (*snapping his fingers*).

Lord CAMPBELL.—Did he snap his fingers? Yes.

Mr. James.—Did you see him do so? Yes.—Did you talk about some other ordinary matters of conversation afterwards? Yes; he made some other remarks.—You mean in general casual conversation? Yes.—How long were you with him altogether in the kitchen that evening, do you think? Perhaps five minutes, or more.—When did you hear that the post-mortem examination of Cook's body was to take place? I think it was on the 26th.—That would be the Monday, this interview being on the Sunday? Yes.—Did you go down to Mr. Bamford's, to go with him to the post-mortem examination? I asked Mr. Salt whether he was going; Mr. Salt went down with me to Dr. Bamford's, to ask him to let me go.—When you went down to Bamford's, did you find the prisoner there? Mr. Bamford was not at home, and I went with Mr. Salt down the town in his gig, and we met Mr. Bamford near the church; Mr. Bamford asked him whether he was going to the post-mortem, and he said he was not.—Did you afterwards see Mr. Bamford? Yes; we met Mr. Bamford.—Did you see Palmer, the prisoner, before you went? No.—Did you see Palmer before you went to the post-mortem examination? Yes; at Mr. Bamford's house.—Where did you find Palmer; in what part of Mr. Bamford's house? In his study.

Lord CAMPBELL.—At what hour was this; about what o'clock? I am not quite certain.—Was it before breakfast or after breakfast? It was after breakfast, about 10 o'clock.

Mr. James.—When you saw Palmer at Bamford's did he speak to you? He did; he asked me what I wanted; I told him I was come to the post-mortem.—What did he say to you then? He asked me whether Mr. Salt was going; I told him he was engaged and could not go.—Did you take some instruments and other things that were necessary and go down to the Talbot Arms for the examination? I did.—When you got there do you remember finding Dr. Harland there? Dr. Harland went down with us.—Do you know Mr. Frere? Yes.—Who is he? A surgeon practising in Rugeley.—After you had got to the Talbot Arms did Dr. Harland go away for a short time and leave you and Palmer together? Yes.—He and the other doctors went away for a short time and left you and Palmer together? Yes.—Where were you left together with Palmer? In the Talbot Arms.—In what room, do you remember? It was the entrance to the hall.—When you and Palmer were left together did he speak to you? I was alone with him.—What did he say to you? He said it would be a dirty job, he should go and have a little brandy; would I go and have a little with him.—Did you go with him? I did.—To his house? Yes.—Which is almost opposite, I believe? It is opposite.—Did he give you any brandy?

He did.—How much? Two wine-glasses full.—Neat brandy? Neat brandy.—Did he take any himself? He did.—How much? I think he had two glasses; I saw him drink two glasses.—While you were there at his house drinking this brandy did he say anything to you about Cook or his body? He did.—What did he say to you? He said, "You will find this fellow suffering from diseased throat; he has had syphilis."

Lord CAMPBELL.—Were those the exact words: "You will find this fellow suffering from diseased throat; he has had syphilis"? Yes; he said he had been taking mercury for his tongue; he had taken a great deal of mercury.

Mr. *James*.—Did you afterwards go over with him to the post-mortem? I did.—And found the other medical men returned? Yes; Palmer was watching at the window.—What was Palmer doing while the post-mortem examination went on? He stood near Dr. Bamford against the fire.—You were examined before the coroner? I was.—Before the coroner you did not say anything of your having given to Palmer 3 grains of strychnia on the night of the 19th of November? I did not.—When did you first state that to anybody?

Mr. *Serjeant Shee*.—Perhaps it would be right that the deposition should be read, if my learned friend goes into it.

Mr. *James*.—Had not you better let us complete our examination? this is something which is not in the deposition; I am showing the reason why it is not. (*To the witness*) To whom did you first tell this of his having had from you 3 grains of strychnia on Monday night? I told Mr. Cheshire, the postmaster.—When did you tell Cheshire?

Mr. *Serjeant Shee*.—I think we must not have what he told Cheshire.

Mr. *James*.—When did you first mention it to Cheshire?

Mr. *Serjeant Shee*.—I object to that evidence; there was one answer about it slipped in before. What is said by this witness to Cheshire is not evidence against the prisoner.

Mr. *James*.—I will leave the whole of it to the cross-examination.

Cross-examined by Mr. *Grove*.

When did you first mention this about the 3 grains? It was after the inquest.—How long after the inquest? I cannot say when.—Was it a week ago? A week since from now do you mean?—Yes. Yes, it was.

Lord CAMPBELL.—How long after the inquest? I cannot tell how long; it might have been a week after the inquest, or it might have been two or three days; I am not quite sure.

Mr. *Grove*.—Might it have been a fortnight? I should think not.—Can you undertake to say it was less than a fortnight? Yes, I think I can.—Were you after the inquest examined on behalf of the Crown? Before the inquest.—After the inquest were you examined for the purpose of giving evidence on behalf of the Crown? Yes, I was.—When? It was some time after.—How long after? I really cannot undertake to say; it was after the inquest.—I do not want you to name the day or the week; how long after?

Lord CAMPBELL.—Was it before or after what you had mentioned to Cheshire? It was after then.

Mr. *Grove*.—How long after what you had mentioned to Cheshire? I cannot undertake to say.—Can you tell me whether it was a fortnight, a week, or a month? I do not know.—Cannot you name within a month the time when you were first examined for the purpose of giving evidence for the Crown? I do not know, and I cannot say.—When you were first examined for this purpose, did you say anything about the purchase of the three grains of strychnia? No, I did not.—When you were first examined on behalf of the Crown, did you mention the circumstance of the conversation about a dog—poisoning a dog? Yes, I did.—Was that the first time you had mentioned that conversation? No, it was not; I had mentioned it to Mr. Salt.—When did you mention that to Mr. Salt? I cannot say what time it was I mentioned it.—Can you tell me it within a month? I cannot: I cannot remember the particulars.—How many different examinations have you given for the purpose of your evidence here? One; twice I have been examined; I gave a statement to Mr. Gardiner.—Was that before the inquest? No, it was not.—After the inquest? Yes.—How soon after? It was some time after.—What time? I cannot say precisely.—Did you mention to him the matter about the dog at that time? Yes, I did.—Did you mention to him the matter about the three grains of strychnia? No, I did not.—You were examined at the inquest, I think you have stated; did you say anything at the inquest either about conversation with respect to the dog, or with respect to the three grains of strychnia? No, I did not.—Did you say anything about the conversation of Cook's suffering from diseased throat—syphilis? Yes, I did.—At the inquest? No, I did not; I was not questioned about the post-mortem at all.



Lord CAMPBELL.—Were you examined before the coroner about Palmer's going to Hawkins's shop? I was.

Mr. Grove.—I believe you did give evidence of your conversation with Palmer at the door of Mr. Hawkins's? I did.—Did you then hear that he had purchased, or was alleged to have purchased, strychnia at Hawkins's shop? Of course I did, or I should not have told it.—You knew that your evidence bore reference to a purchase of strychnia? Mr. Gardiner's clerk came to me.—Did you know that your evidence with reference to the conversation at Hawkins's shop bore upon the purchase of strychnia at that shop? After Roberts had given his evidence, Mr. Gardiner sent his clerk to me.—I want you to tell me whether, at the time you gave the evidence before the coroner of your conversation at Hawkins's shop, you knew it was with reference to the purchase of strychnia? After Roberts had given his statement, Mr. Gardiner's clerk came to me.

Lord CAMPBELL.—Did you know that your evidence was with reference to the supposed circumstance of strychnia being bought at Hawkins's shop? Yes, I did.

Mr. Grove.—You stated, I believe, before the coroner that the strychnine was purchased on the Saturday? No, I did not.—Was what you stated taken down in writing? It was.—Was it read over to you? It was.—Did you sign it? I did.

*(The deposition of the witness was read.)*

Mr. Grove.—I ought to say that it has been miscopied in all our copies. *(To the witness)* When did you first give evidence, or give a copy of what you could say, to the Crown with reference to the purchase of the three grains on Monday? On Tuesday.—On Tuesday last? Yes.—You have told us that Palmer said, "You will find this fellow suffering from diseased throat;" when you gave your evidence to the Crown, did not you say he stated, "You will find this poor fellow suffering"? I do not know whether I said poor or rich.—Can you tell me that you did not say, when you gave an account of this conversation which was taken down in writing, that Palmer's expression was, "You will find this poor fellow suffering from diseased throat"? I cannot remember whether he used the expression "poor."—You know there is a difference in the expression "poor fellow" and "fellow"? I know there is a difference between "poor" and "rich." I cannot say what I do not recollect.—Can you say now which he said? No, I cannot.—I think you have told us you were at the post-mortem examination? I was.—Did you point out the chancre to the medical men there? No, I did not.—Did you point out anything upon the penis of the deceased? No, I do not think I did.—Cannot you give me a more certain answer than that? I do not think I did make any remark about it.—Cannot you tell me whether you did call attention to that or not? No, I do not think I did: I do not recollect it.—You can go no further than "I do not think I did"? I do not recollect.—Can you tell me whether you mentioned it to Dr. Harland? No, I did not, to the best of my knowledge.—Did you mention it to any medical man? I do not think I made any remark about his penis at all.—Did you point it out? No.—Was it noticed in your presence? It was not examined.—Was it noticed there in your presence? I do not recollect any remark being made about it.—Did you yourself see it? Yes, I did.

Lord CAMPBELL.—What did you see? The penis.—What did you see? It looked to be healthy.

Mr. Grove.—Did you see a chancre, or the marks of one? No, I did not.—Can you tell me the distance of Dr. Bamford's house from the Talbot Arms? I should think it may be more than 100 yards from Dr. Bamford's house to Mr. Palmer's.

Re-examined by Mr. Attorney-General.

You have said that you gave information to the Crown about this fact of the three grains of strychnia on Tuesday? Yes.—How was it you did not give that information before? On account that Mr. Palmer had not been friends with Mr. Salt; they never speak to each other.—What had that to do with it? I thought Mr. Salt would be displeased at my letting him have anything.—You say they did not speak? No; Mr. Thirlby lived with Mr. Salt for 19 years.—Was it in consequence of Mr. Thirlby going to Palmer's that this difference took place between Mr. Palmer and Mr. Salt? Yes; Mr. Salt did not speak to Mr. Palmer, or Mr. Thirlby either.—Was there any other reason besides that for your keeping it back? That was my only reason.—To whom did you first communicate it; you communicated it first, you say, to Cheshire the postmaster? Yes.—On Tuesday last, when you first came and communicated it to the Crown, did any one suggest to you to do so, or did you do it of your own accord? I did it voluntarily.—No one advised you to do it? No; I thought it my duty to do it.—To whom did you mention it first on Tuesday? To Mr. Boycott.—That is a clerk of Mr. Gardiner? Yes.—Where did you see him? At the Rugeley station.—Were you then coming up to Loudon? I was.—You were at the station for the purpose of coming up

to London? Yes; I met all the witnesses there.—The witnesses were assembled there coming up to London for the trial? Yes.—You saw Boycott? Yes, I saw Boycott, and I went to him.—What did you tell Boycott? I asked him whether I could see Mr. Gardiner when I came up.

Lord CAMPBELL.—Were you coming up to attend as a witness at the trial at that time? Yes; I was subpoenaed, and was coming up by the same train.

Mr. *Attorney-General*.—You had your subpoena, and were coming up with the other witnesses? Yes; by the 15 minutes past eight train from Rugeley.—Did you tell Boycott what you wanted to see Mr. Gardiner for? Yes, I did.—What did he do; did he bring you to Mr. Gardiner? He did.—Where was Mr. Gardiner? In London.—As soon as you arrived in London Mr. Boycott brought you to Mr. Gardiner, did he? Yes.—Then, I believe, you were brought to this gentleman, the Solicitor for the Treasury? Yes.—And you made your statement to him? I did.—In the mean time, I presume, you had communicated to Mr. Gardiner what you had to say? I had.

Mr. *Serjeant Shee*.—Will your Lordship ask this witness whether he has not given another reason; the reason being that he was afraid he should be indicted for perjury? Yes, I did; I did not give it as a reason; I mentioned it to the gentleman sitting there (Mr. Greenwood), I did not give it as a reason; I stated what I had heard about a young man from Wolverhampton whom Mr. George Palmer had indicted for perjury because this young man could not produce a book to show that he had sold him some prussic acid.—In what case was that? Upon the inquest upon Walter Palmer.

Lord CAMPBELL.—You were asked whether you had not given some reason? I did not give it as a reason.

Mr. *Attorney-General*.—What was it you stated? I stated about this young man from Wolverhampton.—Tell us what you said. I told him about this young man from Wolverhampton.—What did you tell him? I had heard in Rugeley of the young man being indicted for perjury.—That he had been indicted, or that they had threatened to indict him? That he was threatened to be indicted.—By whom? By George Palmer.—That is the brother of William? Yes; because he had sold the prisoner prussic acid.—Because he had said so at the inquest; had this young man said at the inquest that he had sold prussic acid? Yes.—At what inquest? On Walter Palmer; and he did not enter it in the book, so that he could not prove it.—Did you mention at that time, in your conversation, what George Palmer had said he would do with him? That he would transport him.—Did you enter this three grains of strychnia in any book? No, I did not.

Mr. *Serjeant Shee*.—Will your Lordship ask him whether the inquiry into the circumstances of the death of Walter Palmer did not take place five or six weeks after the inquest upon the body of Cook? That was not my reason for saying it.—Did it take place five or six weeks after? Yes.

Mr. *Attorney-General*.—Was it after the inquest on Walter Palmer you were first examined on the part of the Crown? Yes, it was.

*Adjourned to to-morrow at 10 o'clock.*

## THIRD DAY'S TRIAL.

MAY 16, 1856.

CHARLES JOSEPH ROBERTS sworn.—Examined by Mr. *James*.

In November last were you an apprentice to Mr. Hawkins a druggist at Rugeley? Yes.—Do you know the prisoner William Palmer? Yes.—Do you remember Tuesday the 20th of November? Yes.—Did you see the prisoner on that day? Yes.—Where did you see him? He came into Mr. Hawkins's shop.—About what time? I believe it was between eleven and twelve o'clock in the day.—Did he say anything to you when he came? Yes.—What did he say? He asked first for two drachms of prussic acid.—Did he bring anything with him? He brought a bottle for it.—What did you do then? I was putting it up for him, when Mr. Newton, the assistant to Mr. Salt, came into the shop.—Did Palmer speak to Newton? Yes, he did.—Do you remember what he said to him? He told him he wanted to speak to him.—Palmer said he wanted to speak to him? Yes, and they went out of the shop together.—Palmer and Newton? Yes.—Do you know a person of the name of Brassington, a cooper? Yes.—After Palmer had gone out of your shop did you see Brassington the cooper? Yes, he took Newton away from Palmer.—You saw that? Yes.—Did he get into conversation with him? Yes.—Can



you see from the shop window into the street? Yes.—From the shop? Yes.—You can clearly? Yes.—Now, when Brassington took Newton away with him in conversation, what did Palmer do? He came back again into the shop.

Lord CAMPBELL.—What were you doing when Palmer came back? I was putting the prussic acid into the bottle.

Mr. James.—You were in the act of putting up the prussic acid; what did he say to you? He asked for six grains of strychnine.—Anything more? And two drachms of Batley's solution of opium.—Is that what is commonly called Batley's sedative? Yes.—Now while you were putting up these preparations for the prisoner, did you observe where he was standing? Yes.

Lord CAMPBELL.—What became of the prussic acid? That remained on the counter while I was putting up the other.

Mr. James.—You had put up the prussic acid ready for him, and then he asked for the six grains of strychnine and the Batley's sedative? Yes.

Mr. JUSTICE CRESSWELL.—And you placed the prussic acid on the counter? Yes.

Mr. James.—Were you behind the counter preparing these things? Yes.—While you were behind the counter preparing these things for the prisoner, did you observe where he was standing? At the shop-door.—Now, when he ordered these things of you, when he returned into the shop, did he order them at the counter? Yes, he did.—While you were preparing them, was it then he moved from the counter to the street door? Yes.—Which way was he looking while he was standing at the street-door? I do not know.—I do not mean which way he was looking into the street, but with his back to you. Yes.—That is what I mean, looking with his back to you into the street, standing in the door-way? Yes.—How long do you suppose you took in the preparation of these things for him before you delivered them to him? About five minutes.—Did he remain standing at the door until you were ready to give him the things? Yes.—Did you then deliver the things to him? Yes, I did.—That is, the prussic acid in the bottle which he had brought? Yes.—How was the strychnine delivered? In a paper.

Lord CAMPBELL.—The quantity you spoke of? Yes.

Mr. James.—Six grains and the Batley's solution of opium, the sedative? Yes.—In a phial? Yes.—Did he take them away? Yes.—Did he pay you for them? Yes.—Now, from the time that Mr. Palmer returned to your shop after he left Mr. Newton, and from the time you delivered him these things, was there any other person in the shop? No.—Now, after the prisoner had left with these things, did Mr. Newton come into your shop? Yes, he did.—You must not tell us what he said to you or you to him, but had you some conversation about Palmer's purchasing these things; do not say what?

Mr. Serjeant Shee.—We ought not to have what it is about at all.

Mr. James.—Had you some conversation with him? Yes, I had.—Did he make some remark to you; do not tell us what it was? Yes, he did.—You say you had known Palmer for some time; how long had you been previously to that November in Mr. Hawkins's employment? Six years.—Now, before this, how long was it since the prisoner had ever bought any drugs at your shop, before this date on the 20th of November? About two years.—Not for two years before? No.—Do you know Mr. Thirlby? Yes.—Thirlby was his assistant, we hear? Yes.—Had he started a chemist's shop? Yes, he had.—Thirlby had been assistant to Mr. Palmer, and he had opened a chemist's shop? Yes.—About two years before? Yes.—And since that date he had never bought any drugs of you until this Tuesday? I had not sold him any.—Not to your knowledge? No.

Lord CAMPBELL.—Thirlby was still carrying on the business at that time? Yes.

Mr. James.—Besides having a chemist's shop is Thirlby practising as an apothecary or dispensing medicines? Yes, I believe he is, in Palmer's name.

Cross-examined by Mr. Serjeant Shee.

I presume you made an entry in your book? No.

The Attorney-General.—Do you make entries where you take ready money across the counter? No.

Lord CAMPBELL.—Did you make an entry of this prussic acid or sedative? No.—You did not make an entry of any of these things? No.

The Attorney-General.—You were asked, when articles are obtained over the counter, do you make an entry; is it your habit to make an entry of them in your book? No.

The Attorney-General.—I should state that in the course of the proofs we had intended to offer we should have called Mr. Bamford, but he is seriously ill, and we are obliged to postpone him until to-morrow.

Mr. James.—We shall very likely have to read his deposition to-morrow.

WILLIAM VERNON STEVENS sworn.—Examined by the *Attorney-General*.

I believe you are a merchant living in the City? I am in no business now; I have retired from business.—You were the step-father of the deceased Mr. John Parsons Cook? I was.—You married his father's widow? I did.—How long ago is it since you married the father's widow? Eighteen years.—And you have known the young man intimately ever since, I presume? Ever since that.

Lord CAMPBELL.—Did he reside with you? No, my Lord, he did not reside very generally with me; some years after I was made an executor under the paternal grandfather's will.

The *Attorney-General*.—Were you on friendly terms with him? Always.

Lord CAMPBELL.—Had you the care of him? I had the care constantly of him.

The *Attorney-General*.—I believe he became entitled to a sum of money? To some property.—Worth about how much? I should think altogether he has had about 12,000l.—Was he intended for any profession? He was articled to the law; I am hardly prepared to say the exact amount he had, but about 12,000l.—He was articled to a solicitor? He was articled to a solicitor at Worthing in Sussex.—Did he follow up that profession? He did not follow it.—We have heard that he betook himself to the turf, to racing pursuits? Recently.—About what period was that? I have known so little about these matters and have always set my face against them so much, that I can hardly say; I think about three or four years: his earliest betting-book that I find is in 1853, perhaps in 1852; the dates are not very distinct.—Did you do what you could to withdraw him from that pursuit? Everything in my power.—When was the last time prior to his death that you saw him? At 2 o'clock on the afternoon of the 5th of November.

Lord CAMPBELL.—You continued on friendly terms with him? Yes, affectionate terms.

The *Attorney-General*.—Where was that you saw him? At the station at Euston Square.—Where was he leaving for at that time? I have some recollection that he told me he was going to Rugeley; I am not quite sure.—Now in what state of health was he at that time? He looked better than I had seen him for a very long time.—Do you remember making any remark to him about his looks? I was so gratified that I said, "My boy, you look very well; you do not look anything of an invalid now."—Do you remember the answer he made you; if you feel any doubt about it never mind; he made you some answer: there was nothing in anything he said to induce you to believe that he meant otherwise? He struck himself firmly on the chest and said he was quite well.

Mr. *Serjeant-Shee*.—I do not object to what he said.

The *Attorney-General*.—Tell us what he said about the state of his health: I do not mean intentionally, only sometimes other matters come out: as far as I am aware, there is no other matter than that in the proof; I am not aware there is anything else: tell us what he said about the state of his health? He merely said he was quite well, quite right.—He was not a robust man? I think he added that he was quite happy at being all right.—We have heard he was not a robust man in point of appearance? In point of appearance he was not a robust man; he was very pale, pale complexion.—Had there been to your knowledge anything the matter with him recently before that time? For some months in the previous winter he had a sore throat, some months before.—Do you know whether at that time he contemplated going abroad? He was staying with me then.—I merely ask the general question?

Mr. *Serjeant Shee*.—I think we cannot have that.

The *Attorney-General*.—Very well. (*To the witness*) You did not see him again until after his death, when he was a corpse? Yes.—When did you first hear of his death? On Wednesday evening, the 21st of November.—Who gave you the information? Mr. Jones of Lutterworth.—The surgeon? Yes.

Lord CAMPBELL.—Was that by letter? No; Mr. Jones came to my house to inform me.

The *Attorney-General*.—That was on the Wednesday? Yes.—I believe on the next day, Thursday, you went down with Mr. Jones to Lutterworth? Yes.—That was to search for his will and any papers he had left? Yes.—Did you find a will? Yes, we found a will.—And the next day you went to Rugeley? The next morning we went to Rugeley.—About what time did you go to Rugeley? Between 12 and 1 o'clock, I think.—Did you proceed to see the body? As soon as I arrived at the inn I asked to see the body.—Were you then accompanied by Palmer? I was.—Had you gone to Palmer on your arrival at Rugeley? I met Palmer in the passage of the inn.



Lord CAMPBELL.—The Talbot Arms? Yes, the Talbot Arms.

The *Attorney-General*.—Did you know Palmer before? I believe I had once seen him: I did not know him.—And did he make himself known to you, or how did you become acquainted with him? Mr. Jones introduced me to him.—In the inn? In the inn passage.—And then Palmer accompanied you up stairs to see the body? He followed us up stairs.—The sheet was removed from the body? Palmer removed the sheet from the body.—How far down was the body uncovered by the removal of the sheet? Rather below the waist: I think the thighs were partly uncovered.—Was there anything about the appearance of the countenance that struck you? Yes; I was very much struck by the appearance of the countenance.—In what respect? The first thing I noticed was a tightness of the muscles across the face.—Anything else? I believe the first thought that struck me . . .—Just tell me what you saw, what you observed, not what passed in your own mind, unless it was expressed in Palmer's presence; if it was, well and good; if not, do not tell us what passed in your own thoughts? It was that tightness of the muscles across the face that principally struck me.

Lord CAMPBELL.—You say you first observed the tightness of the muscles across the face; did you observe anything else? There did not appear to me to be any emaciation.—From disease? From disease.

The *Attorney-General*.—Now, after you had looked at the countenance of the deceased, I believe you went down stairs after that? We went down stairs.

Lord CAMPBELL.—You both went down stairs? We all went down stairs, Mr. Jones as well.

The *Attorney-General*.—Mr. Jones was present when you saw the corpse? Yes.—Did you make any inquiry of Palmer on the subject of Cook's affairs? After some time I said to him, I believe . . .—Where were you at that time, when you got down stairs? In one of the sitting-rooms in the inn.—Now tell us what passed on the subject of his affairs?

Lord CAMPBELL.—What did you say to Palmer? I said, "I hear from Mr. Jones, Mr. Palmer, that you know something of my son's affairs; can you tell me anything about them?" He replied, "Yes, there are 4000*l.* worth of bills out of his, and I am sorry to say my name is to them; but I have got a paper drawn up by a lawyer, signed by Mr. Cook, to show that I have never had any benefit from them," or "never had the money," I forget the precise expression.

The *Attorney-General*.—What did you say to that? I expressed great surprise, and said, "I fear there will not be four thousand shillings to pay them;" but I said, "Has he no horses, or no property?" he said, "Yes, he has horses, but they are mortgaged;" I said, "Has he no sporting bets owing to him; nothing of that sort?" I am stating the words as nearly as I can; he mentioned one debt of 300*l.* that was owing to him.—Do you remember the name of the person from whom it was owing? Is it material that I should state the name?—I do not know why you should not: I think you had better? It would be with great pain; the man is dying at this present moment; I do not think it is material.—Has it been received since? No.

Lord CAMPBELL.—Do you think it is material?

The *Attorney-General*.—I do not know. *Witness*.—It has had nothing to do with the prisoner, or any party connected with him.

The *Attorney-General*.—Then give us the name on a bit of paper, and we will pass it by for the present.

Lord CAMPBELL.—It ought to be either publicly pronounced, or we should pass it over.

The *Attorney-General*.—Very well, if your Lordship pleases. (*To the witness*) Was it a sporting debt? No, it was not a sporting debt.—It has nothing whatever to do with it? It has nothing whatever to do with it.

Mr. *Serjeant Stee*.—It had better be handed to my Lord: I do not see any bearing that it has upon it; at present I do not see any occasion for it: if by any accident it shall appear important hereafter your Lordship will see what it is.

The *Attorney-General*.—It had nothing to do with sporting matters; a personal debt from a relative of his? Yes.—For 300*l.*? Yes.—Did he mention any other debt due to him? He did not.

Lord CAMPBELL.—In answer to the question, you say "I said, has he no sporting debts owing to him, and he said there was not anything of that sort, he mentioned one debt of 300*l.*"? He said he did not know of any other.

The *Attorney-General*.—Was anything further said at that time on the subject of his

affairs, or was that all; have you told us all that then passed on the subject of his debts? I said, I thought his sporting creditors would have to take his sporting bets and make the best of them, for I should pay nothing.—Now was anything said at that interview on the subject of his funeral? I then turned round and said, “whether he has left anything or not, poor fellow, he must be buried.”—You said this? I said this.—What did Palmer say? Palmer then immediately said, “Oh! I will bury him myself, if that is all.” What did you say? I said, I cannot hear of your doing that; his brother-in-law was present, the husband of his sister.—He had come there? He had come there to meet me.—Did he make any remark? He immediately expressed a great wish to be allowed to bury him; I said, “No, no, that is my business; as executor, I must take care and bury him.”—He had appointed you his executor under his will? Yes.—Was anything said by you on the subject of the body remaining at the inn? I said, “I cannot have the funeral immediately, because I intend to bury him in London, in his mother’s grave; I am very sorry for the inconvenience to the people here at the inn, but I will get it done as soon as possible;” Palmer said, “Oh! that is of no consequence, but the body ought to be fastened up at once:” he repeated that in other words; he said, “so long as the body is fastened up, it is of no consequence for a day or two.”—Now I believe that terminated the conversation on that subject for the time? For the time.—Tell me what took place after that? While I was talking to the deceased’s brother-in-law, Palmer and Mr. Jones left the room.—Did they afterwards return? They returned in about half an hour.—On their return, what took place? On their return I expressed a desire to know from Palmer the name of some respectable undertaker that I might call in.—Some undertaker in Rugeley? Some undertaker in Rugeley.—Did you say for what? I said that I might at once order a coffin, and give directions for the funeral.—What did Palmer say upon that? To my great surprise.—Never mind that; give us any surprise that you expressed to him; tell us exactly what you said? Palmer said, “Oh! I have been and done that, I have ordered a shell and a strong oak coffin.”

Lord CAMPBELL.—Did he say to whom he had been? He did not.

The *Attorney-General*.—What did you say to that? I then expressed my surprise.—Do you remember in what language, in what terms you expressed it? I said, I think, “I did not give you any authority;” those were the words, some expression of that sort, I expressed my surprise in terms of that kind.—Did you say anything further upon the subject? I said, “But I must see the undertaker, to give him instructions about the funeral.”—Is that all? I think he told me the name of the undertaker, I am not quite sure.—Now you, I think, ordered dinner that day at the inn? I then ordered dinner.—Whom did you ask to dine with you? I ordered dinner for myself and my son-in-law and Mr. Jones, and I asked Palmer to come himself.—And I believe you all dined together at the inn? We all dined together at the inn.—You were going back to London that afternoon? I was going back to London by the quarter-past four train.—At what time did you dine? We dined about three.—Now, after dinner, before you went away, do you remember making a request to Mr. Jones, Palmer being then present? I did.—What did you ask Jones to do? I desired Mr. Jones to be so good as to go up stairs and get me his betting-book or pocket-book, or any books or papers that might be there.—Did you know, of your own knowledge, from him that he was in the habit of keeping a betting-book? I had seen him with a betting-book.—Do you recollect the sort of book it was? That particular book I do not, I have seen his other betting-books.—I suppose, as one betting-book was filled up, he would take another? Yes, those I have seen were clasp-books, long.—Now did Mr. Jones, upon this request, leave the room? Mr. Jones left the room.—Did Palmer follow him? Palmer did follow him.—How soon afterwards did they return? I should think nearly ten minutes, certainly more than five minutes, I should say.—Did Mr. Jones tell you the result of the search that was made? Mr. Jones came into the room and said he was very sorry to say that he could not find any betting-book.—Was Palmer present at this time? Palmer was present, he followed him in.

Lord CAMPBELL.—He could not find any betting-book? No; and I think he added, or papers; I desired him to search for them.

The *Attorney-General*.—What did you say upon that? I said, “No betting-book, Mr. Jones!” and, turning towards Palmer, I said, “How is this?” Palmer said, “It is no manner of use if you find it;” or very nearly to that effect.—Did he say why? I said, “No use, sir! I am the best judge of that:” he again said, “It is no manner of use;” I said, “I am the best judge of that; I am told it is of use; I understand my son won a great deal of money at Shrewsbury,” I am giving the words as nearly as I can, “and I ought to know something about it;” Palmer said, “It is no use, I assure you; when a man dies his bets are done with:” I think those were the words; besides, he said Mr. Cook had received the greater part of his money on the course at Shrewsbury;



I said, "Very well, sir, the book must be found; it ought to be found, and must be found;" Palmer then, in a much quieter tone, said, "Oh! it will be found, no doubt;" I again said, "Sir, it shall be found:" I then went to the door of the sitting-room, and, calling to the housekeeper at the bar, I desired that everything in the deceased's room might be looked up, that nothing might be touched until I returned or sent some one with authority to take possession.—Now I believe that after that, and prior to leaving, you went up stairs to take your last look at the body? I did.—Did you find any persons in the room? I saw some servants in the room turning up the bed-clothes over the empty beds.—Were the undertaker's people there? The undertaker was there.—Had you held any communication with the undertaker in the mean while? Yes; before that I had.—Before you went to dinner? Before I went to dinner.—Had you given him instructions to come? I had given him instructions for sending the body to London.—Had you given him instructions to place the body in the coffin? Yes; I had.—What was the undertaker doing when you went into the room? He was standing by the side of the shell; the body had been just placed in the shell.—Had you given directions for that? Yes; I had given general directions.

Mr. BARON ALDERSON.—Was it in the shell? It was in the shell.

The *Attorney-General*.—Now you went to the side of the shell to the body? I went to the side of the shell.—Did you uncover the body at all? The body was uncovered.—What did you do? I knelt down by the side of the shell; and, taking the hand of the corpse, I found it fastened in *this way (the witness clenched his fist)*.—Which hand? The right hand.

Lord CAMPBELL.—The right hand was clenched? Yes; the right hand was clenched.

The *Attorney-General*.—Then did you direct your attention to the left hand? I looked across the body, and I saw that the left hand was clenched in the same manner.—Now did you observe anything else? Nothing else.—And you returned to town, I believe, that night? I returned immediately to town.—And the next day you communicated with your London solicitors? The next morning I communicated first with the uncle of the deceased, and then with my solicitors.—And they gave you a letter, I believe, to Mr. Gardiner of Rugeley. Yes.—Did you return to Rugeley the next day? I returned to Rugeley at two o'clock on the next day.—That would be the Saturday? The Saturday.—When do you say you arrived at Rugeley? I left town —.

Lord CAMPBELL.—You arrived at about what time? I think at about eight.

The *Attorney-General*.—You left London by the two-o'clock train, and got to Rugeley about eight? About eight.—On your way down did you see Palmer? On my arrival at the platform at Euston-square I saw Palmer.

Lord CAMPBELL.—You saw him as you were leaving London? Yes, as I was leaving London.—What did he tell you that he was there for? He said he had been summoned to London.—That was at Euston-square? That was at Euston-square.

The *Attorney-General*.—What did he tell you? That he had received a telegraph message after I left.—Is that all that passed then? Which had brought him to London.—Is that all that passed then? I think I asked him where Mr. Cook's horses were kept; he told me at Hednesford. I think he said he would drive me out there if I wished it.

Mr. BARON ALDERSON.—Where is that?

Mr. James.—It is near Rugeley; about three miles from Rugeley, I am told.

The *Attorney-General*.—Did you see him again when you got to Wolverton? When I got to Wolverton I saw him again in the refreshment-room.—The train stops there for a few minutes? The train stops there for a few minutes.—Did any conversation take place between you? I said, "Mr. Palmer, this is a very melancholy thing, the death of my poor son happening so suddenly, and I think for the sake of his brother and sister, who are sometimes delicate in health, it would be desirable to know what his complaints were."

Lord CAMPBELL.—By his brother and sister, you mean your children by his mother?

The *Attorney-General*.—Do you mean his half-brother and sister? His half-brother and his own sister; I think I said it might be desirable that their medical friends should know something of his complaint, "and therefore I think I should like his body opened;" to that Palmer replied, "That can be done very well;" or "That can be easily done;" or something of that sort; I think nothing more passed then, or very little more; nothing of importance; the bell rang and we went to our seats.—As far as Wolverton had he travelled with you in the same carriage? No, he had been in another carriage.—Did he continue in the same carriage? He continued in the same carriage which he had been in

before till we reached Rugby.—What took place then? I then saw him again in the refreshment-room; he came to my side, indeed, as I was standing before the fire, and, I am not quite sure, at that time or upon my arrival at Rugeley, I said to him, “Mr. Palmer, I think as I am living at a distance, and the horses are said to be valuable, I had better ask some solicitor at Rugeley to look after my interests;” he said, “Oh yes, you can do that; do you know any solicitor?” I said, “No, I do not;” I believe the bell rang again, and I ran off to get some refreshment, or for some purpose, and when I came back to my carriage I found Palmer sitting there.—In your carriage? In my carriage; nothing further passed till we reached Rugeley; no conversation.—Were you alone, or was there anybody else in the carriage? There was a gentleman and lady in the carriage, with whom I had been conversing all the way from town, and I continued my conversation with them.—When did you arrive at Rugeley? Between seven and eight; about eight, I think.—Did anything happen when you got to Rugeley? When we reached Rugeley, Palmer said, “You were talking about a solicitor;” he again said, “Do you know any solicitor in Rugeley?”—Where were you then? I think at that time we had reached the omnibus; I am not quite clear whether it was on the platform or we had reached the omnibus; we were but a very few minutes in the station; I said “No, I do not; for you know I am a perfect stranger here;” he then said, “Oh! I know them all intimately; I can introduce you to one;” he said, “When I get home I must take a cup of coffee, and as soon as I have had that I will come over and tell you all about it;” I thanked him, as I had done once before, and said I would not trouble him; he then repeated his offer, that he only wanted a cup of coffee, and he would come to me immediately; but he added, “You will not find any solicitor to-night;” I said, “Why not?” he said, “It is late; besides, some of them live out of town;” “Well,” I said, “I never found any difficulty in finding a solicitor when I wanted one before:” I think it was immediately after that that, changing the tone of my voice and manner, I said, “Mr. Palmer, if I should call in a solicitor to give me advice, I suppose you will have no objection to answer him any questions he might choose to put to you.”—Did you alter your tone, as you spoke of, purposely? Purposely; I had previously mentioned the post-mortem.—Did the alteration of your tone and manner appear to you to produce any impression upon him? The moon was shining, but I cannot say that I could see his face distinctly.—What did he say in answer? He said, with a spasmodic affection of the throat, which was perfectly evident, “Oh, no, certainly not.”—You say you had previously mentioned the post-mortem examination to him, or the intention of having one? I had mentioned my desire to have the body opened.—Now, do you remember, when you were talking on the subject of the solicitor, was anything said about taking a solicitor to Hednesford? Yes; I expressed my desire first.—Did anything further take place between you? I ought to say, when I mentioned the post-mortem there was not the slightest change in Mr. Palmer’s manner; he was perfectly calm and collected.—Now, after this conversation, and your asking him whether he would answer any questions, did anything further take place? There was a pause for three or four minutes; he then again proposed to come over to me after he had had his coffee to tell me about the solicitor, and I again begged that he would not trouble himself.—Do you remember anything being said about going to Hednesford? Very late in the evening.—Was anything said upon the subject of the bills? In the course of the evening, some hours after.—I am anxious to get at anything which may be material, and not to take you through a conversation many parts of which may be unimportant; do you remember anything being said about the bills? In the course of the evening he came over to me again.—After he had been home? After he had been home, and after I had been some time absent seeking for Mr. Gardiner.—You went to Mr. Gardiner? I went to his house that night.—After you came back he came to you, what passed? let us bring you together; he came to you, and what took place? I think the first thing was about the bills.—I want to hear what he said about that? He said, “It is a very unpleasant affair for me about these bills;” I said, “I think it right I should tell you, Mr. Palmer, that since I saw you I have heard rather a different account of Mr. Cook’s affairs:” he said, “Oh, indeed; well, I hope it will be settled pleasantly, at all events,” or “at any rate.” I said, “It will only be settled, sir, in the Court of Chancery,” or “His affairs can only be settled there,” I do not recollect the precise words: I think he said again, “Oh, indeed,” in a lower tone.—Did anything further take place that evening? I think he then, after a short pause, asked me what friends Mr. Cook had to visit in the neighbourhood of London: this conversation, I think, passed at that time, what friends he had to visit in the neighbourhood of London, and what friends he visited; I said “several:” “I mean,” he says, “who does he stay with when he goes there?”

Lord CAMPBELL.—Is this important?

The Attorney-General.—One does not know what it may lead to? From the questions



he put to me, he wished to know who had told me.—It is not material; the next day did you see him again? I am not quite sure whether that same evening he did not speak about going to Epsom.—The next day, Sunday, did you see him again? The next day, Sunday, I saw him again, in the evening.—At what time? I think between five and six; about six o'clock.—Did he come to you? He came into the coffee-room; my dinner was preparing, and I was writing.—Were you alone, or was any person present? Nobody was present.—Did he say anything about your going over to Hednesford? I am not sure whether it was said on that night or the night before; this was what was said upon the subject: we were talking of going to Hednesford.—The trainer lived there, Saunders? Yes; and he said, "If I were you, I would not take a solicitor with me there." I said, "Why not, Mr. Palmer?" he said, "I should recommend you not," or "advise you not," I do not know which: I said, "Sir, I shall use my own judgment upon that;" he said, "Of course you will;" I said, "Of course I shall."—Had you any conversation on that day on the subject of the post-mortem examination? On the Sunday I had.—Was that at this same interview? No, it was not at the same interview.—What time was that in the day? I am not sure whether it was not after the evening service.—You were speaking of about four or five o'clock? No, the evening service, seven o'clock.—What took place on the subject of the post-mortem examination? He came into the room—

Lord CAMPBELL.—Later in the evening? I think it was later in the evening, I am not quite sure; I know it was Sunday evening.

The Attorney-General.—What happened then? He came into the room; I was sitting writing, and he approached me with a piece of paper in his hand as if he would give it me; I did not take it from him, I did not take any notice of him; I went on with my writing, and said, "Pray Mr. Palmer, who is Mr. Smith of this place?"—Did you mention the Christian name or not? No, I did not.—What answer did he make? He said, "Smith, Smith, Smith," two or three times in that way, as if he did not know such a person; I said, "A Mr. Smith who sat up with my son one night, who slept in the room or sat up with my son," he said, "Oh! he is a solicitor in this town;" I said, "I ask you the question, sir, because as the betting-book is missing I should wish to know who was with the young man;" I first said, "Is he a solicitor in practice here?" and he said "Yes;" after a short pause I said, "Pray, Mr. Palmer, did you attend my poor son in a medical capacity?" he said, "Oh dear, no;" I said, "I ask you that question because I am determined to have his body examined, and if you had attended him medically I suppose the gentlemen I shall call in would think it proper that you should be present." I think the next thing he said was, "Can you tell me who is to perform the examination?" or words to that effect.—What did you say? I said, "I cannot, I shall not know myself until the morning; but I think it right to tell you of it; I shall have it done for my satisfaction, and whether you are present or not is a matter of indifference to me if the gentlemen employed think it right you should attend;" "So it is to me," he said.—I have only one other question on that subject: did he at any time, other than this, ask you who the medical gentlemen were to be who were to perform the post-mortem examination? He requested it immediately again.—When? That morning; and I said, "I do not know, I cannot tell myself."—On the Friday, when you twice saw the body, when you say Mr. Palmer, without your authority, gave the orders for the shell and coffin, did you perceive any manifestation of decomposition in the body or anything which called for its being speedily put into a shell?—On the contrary, the body did not quite look to me like a dead body; I was surprised at the appearance of it.

Cross-examined by Mr. *Serjeant Shee*.

You were on affectionate terms, you say, with your step-son? Yes.—Did he ever stay at your house when he came to London? The last time that he stayed at my house for a length of time was about a month in January and February last year.—For what time did he stay then? He stayed about a month.—Was his health bad then? He had then a slight sore throat.—Was it continuously sore? I do not remember that it was; it did not attract my notice every day.—Did he complain of it from time to time during the whole of this visit? He did not.—Did it make it difficult for him to swallow occasionally? Not in the least; there was nothing in it that attracted my notice.—Had he any ulcers about his face at that time? I never noticed them.—You had seen him some time, I presume, between that time and the 5th of November? I saw him three or four times in the course of the summer, and I think twice or thrice in the month of October.—Did he appear to you on those occasions to be in delicate health? Not at all delicate, not more than usual.—I ask you, for this reason; you said he looked better than you had seen him for a long time, and you were so gratified that you said, "My boy, you look very well, you have no look of an invalid now." On the occasion that you saw him previously to that 5th of November, had he

looked like an invalid? No.—Had he not been an invalid? He had complained of being an invalid in the previous winter, and he said, if he was not better the next winter, his medical friend had told him he had better go to a warm climate; it was that occasioned me to say, “You do not look like an invalid.”—Were his brother and sister delicate or strong? His brother and sister were rather delicate, not strong; his brother more delicate in appearance than in reality.—Do you know at what age his father died? His father died, I think, at the age of 30 or 31.—Did he refer to you on the occasion of a wish to insure his life? No.—You do not know that he ever proposed to insure his life? No.—Do you know a Dr. Todd? I do not.—When the betting-book was lost I collect from the manner in which you gave your evidence that you were very much dissatisfied about that? I was.—And you complained to the people in the house? No.—You called to some persons? I called to the housekeeper; I went to the door of the sitting-room at right angles with the door of the bar and called to the housekeeper.—Did you inquire of her? No; I desired that everything belonging to him might be locked up.—As soon as you got to Rugeley, I take it, you went to Mr. Gardiner, did you not? No.—I do not mean the first time you went to Rugeley? Yes, when I returned to Rugeley.—When you returned to Rugeley with Palmer did you on that evening go to Mr. Gardiner? That evening I went to seek for Mr. Gardiner.

Lord CAMPBELL.—He was not at home? No.

Mr. *Serjeant Shee*.—Did you see Mr. Gardiner during the time you were at Rugeley? I saw Mr. Gardiner on the following morning; the Sunday morning.—Have you ever been in communication with a person of the name of Field? Once.—A police officer? Yes.—When was that? I should think about a fortnight or three weeks after my son was buried Field called on me, what for I do not know; I do not know what he wanted; I never applied to Field.

The *Attorney-General*.—It had no reference to this?

Mr. BARON ALDERSON.—What was the name of the gentleman who went down with you that married the sister? Bradford.—It was Bradford that dined with you? Yes.—Did you hear of a Mr. Bamford? I called on Mr. Bamford.—Because you have not mentioned him? No, I was not asked any question.—When did you first hear that Mr. Bamford had been his medical attendant? Mr. Jones told me, without mentioning his name, in London, that a medical gentleman had been called in. I called upon him to thank him for his kindness, and to ask what I was indebted to him.

The *Attorney-General*.—Did Bamford dine with you? No.

Mr. BARON ALDERSON.—We have got it in a copy of the deposition Bamford instead of Bradford dined with him.

MARY KEELING sworn.—Examined by Mr. *Welsby*.

You are a widow living at Rugeley? Yes.—Were you fetched on Wednesday morning the 21st November last to lay out Mr. Cook's body? Yes.—Did any other woman go with you? My sister-in-law.—What time did you get to the Talbot Arms? About 1 o'clock.—About 1 in the night? One in the morning.—Did you find the body still warm? The body was still warm, but the hands and arms were cold.—How was the body lying? On the back, straight down the bed.—How were the arms? Crossed upon the chest.—Did you observe anything particular about the body? No, nothing very particular.—I do not mean in its appearance? His head lay a little on one side; turned on one side.—Was the body stiff or not? Very stiff indeed.—Have you laid out many corpses? Yes.—Have you ever seen one so stiff before? No.—Had you any difficulty in straightening the arms? Yes, we had; we could not keep his arms straight down to his body.—Did you fasten them in any way to keep them down? We drew a piece of tape under his back and tied them down to his body; we tied it round his wrists.

Lord CAMPBELL.—Who did? I did.—Both arms? Both arms.

Mr. *Welsby*.—Did you observe anything particular about either of the feet? His right foot was turned on one side.—Inwards or outwards? Turned to the outside.—Had you any difficulty in turning it so as to turn it to the other foot? We were obliged to take a piece of tape to tie both his feet together.—Were the eyes open or shut? Open.—Had you any difficulty in closing them? Yes, it was a considerable time before we closed them.—Why? His eyelids were very stiff.—How were the hands? Very stiff.—Were they open or closed? Closed.—Did Mr. Palmer come up stairs? Mr. Palmer went up stairs with me.—For what purpose? He lighted me while I took two rings off of Mr. Cook's fingers.—Were they off the fingers of both hands or one hand? One hand.—Had you any difficulty in getting the hand open to take the rings off? Yes, his fingers were very stiff.—You did get them off, I believe? Yes.—When you had taken them off did the hand close again? Yes.—Did you, while you were there that morning, see any-



thing of a betting-book? No.—Or a small book like a pocket-book? No, not any book at all.

Cross-examined by Mr. Grove.

Now, you said you were obliged to use a piece of tape; is it not a usual thing to use tape to get dead bodies straight after death? Not to tie the arms together.—Do you not use tape? Yes.—I asked you whether it was not usual to use tape for the purpose of tying the body, so as to lay it straight? No.—Do you never use tape? No, I never used tape; not to tie the arms.—You added to that last answer “not to tie the arms:” I ask you do you use tape at all? No.—Not for any purpose? No.

Lord CAMPBELL.—In laying out a dead body, do you use tape? I have used it for tying the ankles together, but not the arms.

Mr. Grove.—Have you used it for the toes on other occasions? Yes, for the toes.—Have you ever seen it used for the arms when they are not in a proper position, or laid out shortly after death? No, never.—You have not seen it used for the arms? No.—Is it usual to lay the arms by the side immediately the person dies? Yes.—Those who are present? Yes, whoever is present.—Then, if the body gets stiff, the arms remain in the position in which they were laid down at the time of the death? Yes.—Is not considerable difficulty frequently found in keeping the eyes closed? Yes; there is very great difficulty in closing the eyes.—Just attend to my question: is it not frequently found that there is a difficulty in keeping the eyes of corpses closed? Not if they are closed as soon as they die.—Is it not a common thing to put penny-pieces on the eyes after death to keep them closed? Yes.—Is that because if not so kept down the eyelid would draw back, and be difficult again to close. Yes.—I believe the jaw is also tied as shortly after death as can be done? Yes.

Re-examined by the Attorney-General.

How many dead bodies have you laid out in your time? Well, I cannot exactly recollect; many children.—Have you laid out a great many? Yes.—Of all ages? Yes.—You say you have never known of the arms being tied before? No, I never did.—It is usual, you say, however, to lay the arms straight by the side of the body? Yes.—Immediately after death? Yes.—How soon after death: what do you mean by immediately? In a few minutes after they are gone.—How soon after Mr. Cook's decease, as far as you understood, did you come in? They called me up at half-past 12.—How soon did you get there? And it was half-past 1 when I went up-stairs.—On what occasions have you found it necessary to tie the ankles and to tie the toes? Sometimes the feet are apt to give way.—In what way do you mean give way? Outside.—How soon after death have you found that the case; has it been on your first laying out the corpse, or subsequently, that you have had to tie the feet or ankles, and the toes? About half an hour.—Now, you say that the eyelids of the eyes of this corpse were very stiff? Yes.—Was it in consequence of their being so stiff that you could not close the eyes? Yes.—Have you known that the case with other corpses? No; I have not.—Where you have found it to be necessary, or known it to be necessary, to place penny-pieces on the lids in order to keep them down, have the lids there been stiff? Yes; I have put penny-pieces on myself.—Why was that? I cannot tell you.—In those cases the lids were not stiff like these, I understand you to say? Not quite so stiff.

Dr. JOHN THOMAS HARLAND sworn.—Examined by Mr. Bodkin.

You are a physician residing at Stafford? Yes.—Did you on the 26th of November go from Stafford to Rugeley to make a post-mortem examination of Mr. Cook? I did.—At what time did you arrive at Rugeley? About 10 o'clock.—In the morning? Yes.—Did you call on your arrival there at the house of a Mr. Bamford, a medical practitioner there? Yes.—Did any person join you as you went to Mr. Bamford? Yes.—Who? Palmer.—Did you notice from whence he came? Yes; from the back of his (Palmer's) house.—He joined you in the street? Yes.—Were you acquainted with him before? I had frequently seen him, and I have spoken to him at Rugeley.—On his joining you what did he say? He said, “I am glad you have come to make a post-mortem examination; some one might have been sent whom I did not know; I know you.”—What did you say? I said, “What is this case? I hear there is a suspicion of poisoning;” he said, “Oh no! I think not; he had an epileptic fit on Monday and Tuesday night, and you will find an old disease in the heart and in the head;” we then went on to Mr. Bamford.—You went on together to Mr. Bamford; did you go together into Mr. Bamford's house? Yes.—Did Palmer make any observation to you while you were in there? I was requested to go from Stafford to be present at the post-mortem, and I had brought no instruments with me.—Was anything said about that? Palmer said he had instruments, and he offered to lend them to me.—Besides that, did he make any observa-

tion to you about any person? Yes; he said a queer old man seemed to suspect him; he did not know what he would be at, or what he wanted; he also said, "He seems to suspect that I have got the betting-book, but Cook had no betting-book that would be of use to any one;" Mr. Bamford and I then went to Mr. Frere's.—Did he give you any other description of the man whom he called a queer old man?

Lord CAMPBELL.—There can be no doubt he meant Mr. Stevens.

Mr. *Serjeant Shee*.—There can be no doubt about that.

Mr. *Bodkin*.—Then you went to Mr. Frere's? Yes.—Is Mr. Frere a surgeon in Rugeley? Yes, in Rugeley.—Did anything pass there? Mr. Frere told me —. —Was Palmer there? No, he was not.—Then did you proceed from Mr. Frere's to the Talbot Arms? Yes.—Was the post-mortem examination then proceeded with? Yes.—Who operated? Mr. Devonshire, and Mr. Newton assisted him.—Who were in the room? Mr. Bamford, Palmer, and several other persons.—Did you stand near Mr. Devonshire who operated? Yes.—You observed what was going on? Yes.—Did you notice anything externally that you think it necessary to mention with respect to the body? The body was very stiff.

Lord CAMPBELL.—Stiffer than dead bodies usually are? Yes.

Mr. *Bodkin*.—Did you notice the muscles? Yes.

Lord CAMPBELL.—This was six days after death?

The *Attorney-General*.—Yes, on Monday the 26th.

Lord CAMPBELL.—Was the body stiffer than bodies are six days after death? Yes.

Mr. *Bodkin*.—What state were the muscles of the body in? They were very highly developed.—Did it appear to you to be a healthy development, or the result of spasms; what do you mean by highly developed? I mean strongly contracted, and thrown out.

Lord CAMPBELL.—I suppose it showed there was a strong spasmodic action in the body? Yes.—Before death? Yes.

Mr. *Bodkin*.—Did you examine the hands? Yes.—In what state were they? They were clenched, firmly closed.—What part of the body was first examined internally? The abdominal viscera.

Lord CAMPBELL.—Was a report agreed on by the medical men who assisted in the examination? Yes.—Was it written? Yes.—Have you that written report? I wrote it.—Have you got it here? No, I have not got it with me.

Lord CAMPBELL.—It is always read in Scotland by the medical men who are to be examined upon it.

Mr. *Bodkin*.—Do you know who has it? I sent it to Mr. Stevens.

Mr. *Bodkin*.—I believe Dr. Taylor has it.

Lord CAMPBELL.—I think it is worth while to wait for it; it is best for both sides.

The *Attorney-General*.—I think we had much better examine him in the usual way.

Mr. *Serjeant Shee*.—We must have the report at some time or other.

The *Attorney-General*.—You may have it at once; but I think it better to have him examined.

Mr. *Serjeant Shee*.—It will be produced?

The *Attorney-General*.—Certainly.

Lord CAMPBELL.—He may read it as his evidence if he swears to it.

Mr. *Bodkin*.—Are these the notes you made at the time? Yes.

Lord CAMPBELL.—Do you now swear that that is a true account of what you then saw? Yes.—Then read it, Dr. Harland, if you please. "Post-mortem examination of John Parsons Cook, Esq." (*Read the Report.*)

Mr. *Serjeant Shee*.—I dare say I shall be allowed a copy of that.

The *Attorney-General*.—By all means.

Mr. *Bodkin*.—You said, I think, that the abdominal viscera were the first parts examined? Yes.—Did you find them in a perfectly healthy state? Yes.—Were they taken out of the body? Yes.—Did you examine the liver? Yes.—Was that healthy? Yes.—The lungs; in what state were they? They were healthy; there was blood in them.—Was there more blood than can be accounted for by gravitation? No; I think not.—Did you notice some appearance at one end of the stomach? Yes.—Before we go to that, did you examine the head? Yes.—In what state did you find the brain? It was quite healthy.—Was there any extravasation of blood on the brain? No.—Any serum? No.—Was there anything in the appearance of the brain that in your judgment would cause



unnatural pressure? No.—Did you examine the heart? The heart was contracted, and contained no blood.—Did that appear to you to be the result of disease, or of any action of the system? Not from disease, but from some action.—What kind of action do you attribute that to? Spasmodic action.—You say the stomach was taken out? Yes.—I think you said you noticed some appearance at one end of the stomach. Yes.—Be kind enough to describe it? There were numerous small yellowish-white spots about the size of mustard-seed.—Whereabouts were those? At the larger end of the stomach?—Would those appearances in your judgment at all account for death? No.—What would their effect be on the health of any one? I doubt whether they would have any effect.—If they produced any effect on the health of the patient, what would it be? I think they may have been mucous follicles, nothing more.—If it had any effect, in what way would it affect the health? I doubt whether it would affect the health.—Did you examine the kidneys? Yes.—In what state were they? They were full of blood; blood that had gravitated.—Since death? Since death.—Any appearance of disease? No.—Did you find the blood in a fluid state? Yes.—Is that usual? No.—In what cases do you expect to find it so? In some cases of sudden death.—Are they of frequent occurrence, or rare? Rare.—Do you mean that the finding blood in a fluid state is a rare circumstance even in cases of sudden death? Yes.—I will ask you generally whether about the whole body you observed any appearance of disease that would at all account for death? No; none.—I believe on this occasion the spinal marrow was not very closely examined? There was no appearance of organic disease.—The lower part of the spinal cord was not on this occasion minutely examined? No; it was not.—Did you examine the upper part? Yes.—What appearance did that present? A perfectly natural appearance.—I believe, on a subsequent day it was thought right to exhume the body, that you might examine the spinal cord with more attention? Yes.—On what day was that done? I believe on the 25th of January.

The *Attorney-General*.—Here is the report.

Mr. *Bodkin*.—Did you make a report in writing of that second examination? Dr. Moukton did.—Was the lower part of the spinal cord then minutely examined? It was.—The whole of it? Yes.

Lord CAMPBELL.—Is the report here?

The *Attorney-General*.—The report is made by Dr. Moukton; did you make a report on this matter? It was made jointly.

Mr. *Bodkin*.—Then look at it. (*The Report was handed to the witness.*)

Lord CAMPBELL.—Is that a true statement of what you then observed? Yes.—Will you read it? “The Report of the examination of the spinal cord of the exhumed body of John Parsons Cook, Esq.” (*Read the Report.*)

Mr. *Bodkin*.—Are you still of opinion, Dr. Harland, that there was nothing in the appearances that you have described to account for the death of the deceased? Yes.—And, as I understand you, nothing of an unusual kind that could not be referred to changes that take place after death? Nothing.—Now, I will call your attention to the period when the stomach and intestines were removed from the body on the first examination; when they were removed, were they separately emptied into a jar? Yes.—Were they afterwards placed in the jar? Yes.—Now, do you remember who were engaged in the removal of the stomach and intestines from the body into the jar? Mr. Devonshire and Mr. Newton.

Lord CAMPBELL.—They were the only two who operated? Yes.

Mr. *Bodkin*.—Did you notice at that particular period where the prisoner was standing? Yes.—Where? He was standing at the right of Mr. Newton.—Did you observe him do anything when the stomach and intestines were being placed in the jar? I observed, while Mr. Devonshire was opening the stomach, a push was given to Mr. Newton; he pushed Mr. Newton on to Mr. Devonshire.—The push was given by whom? By Palmer, and he shook a portion of the contents of the stomach into the body.—Was anything said by anybody on that? I said, “Do not do that.”

Lord CAMPBELL.—You addressed him? I thought a joke was passing among them, and I said, “Do not do that” to the whole.

Mr. *Bodkin*.—Was anything said on that observation of yours by either of them? No.—Might it not have been accident? I saw Mr. Palmer was close to them.—Might it not have been by some other person besides him? There was no one near but him.—What did you observe? I observed, when Mr. Newton and Mr. Devonshire were pushed together, Palmer was leaning over in that way at the same time, and Palmer was smiling at the time.—After this interruption, did the opening of the stomach proceed? Yes.—Was it found to contain anything particular? It contained a few ounces of

brownish liquid.—About how many? I should think, about two or three ounces.—Nothing particular in that? No.—Was that said in the hearing of the persons there, that there was nothing particular found in the stomach? Yes.—Who stated that? Palmer himself.—He was looking on? He was looking on.—Do you remember what he said? He said, “They will not hang us yet.”—To whom did he say that? To Mr. Bamford.—Was that observation of his after somebody had said anything about the stomach, or as mere observation upon it himself? As mere observation upon it himself.—Then, the stomach being emptied, it was emptied into the jar? Yes, it was emptied into the jar.—What was done with the stomach itself? Put into the jar also.

Lord CAMPBELL.—The brownish liquid was found in his stomach? Yes.

Mr. Bodkin.—Were the intestines then examined? Yes.—Nothing particular found in them, I suppose? No, they were contracted; they were very small.—Were they, the viscera, placed in the jar with their contents as they were taken from the body? Yes.—What then was done with the jar? It was tied over with two bladders and sealed.—Did you tie them and seal them? Yes.—And after you had so done, where did you place the jar? On the table beside the body.—Did you notice where Palmer was at the time you placed the jar on the table? He was moving about.—Moving about the room? Moving about the room.—Did you miss the jar from where you had placed it on the table? Yes, in a few minutes.—During that time your attention had been called away by the examination? Yes. What did you say or do on missing the jar from the table? I called out, “Where is the jar?” and Palmer from the other end of the room said, “It is here.”—Did he say anything more?—He said, “I thought it more convenient for you to take away.”—Is there a door at that end of the room? Yes.—How near was Palmer to that door? Within a very short distance.—How near? A yard or two, I should think.—How far from where you were, where the body was? The distance about half across this court.

The Attorney-General. The plan shows it quite accurately; this makes it quite plain (*a plan was handed to the witness*).

Mr. Bodkin. Look at that plan, and tell us if it accurately represents the room of which you are speaking? Yes.—Are the dimensions given there; is there a scale? There is a scale of feet.—Can you tell me how many feet it was from where you were to the place where Palmer was? By this scale, I should think about 24 feet.—Will you mark it with pencil on the plan where you were? I was about the centre of the place.

The Attorney-General.—If this evidence is of any value, it is material we should have the precise position.

Mr. Bodkin.—By the same scale can you tell us how far he was from the door?

The Attorney-General.—It does not turn on the distances, it turns on the position.

Mr. Bodkin.—Is the door of which you are speaking, near which Mr. Palmer was, the door at which you had entered? No.—Do you know where it opened to? No; I see it here.

The Attorney-General.—We know that from another witness.

Mr. Bodkin.—On his calling this out did you go and take possession of the jar? He brought it to us.—You called to him to bring it to you? Yes.—What did you say? I said, “Will you bring it here?” I also went to the other end of the table, and met him nearly half way.—He was coming with it? He was coming with it.—Was the jar then in the same state in which it was when you placed it on the table? No.—What had been done to it? There was a cut through both bladders.—How long a cut? Hardly an inch long.—Had that been done with some sharp instrument? Yes.—Did you examine the cut to see whether any of the contents of the jar had passed through it? Yes.—Was it quite clean? It was quite clean.—When you found this cut had been made in the jar, did you make any inquiry about it? Yes.—What did you say? I said, “Here is a cut; who has done this?”—Did you say that aloud so as to be heard by all the persons there? Yes.—Did anybody answer? Yes; Palmer, and Mr. Devonshire, and Mr. Newton seemed all to say they had not done it.—I believe nothing more was said about it then? No.—When you were about to remove the jar from the room did the prisoner put any question to you? Yes.—What did he ask you? He asked me what I was going to do with the jar; I said I should take it to Mr. Frere.—Did he say anything on that? He said, “I would rather you take it with you to Stafford, if you would take it there.”—What did you say? I then took it to Mr. Frere.—Did you make him any answer? No, I believe not, not that I remember.—He said he would rather you take it to Stafford than to Mr. Frere’s; did you say anything to that? I do not remember that I did.—Then you did take it to Mr. Frere’s house? Yes.—After doing so did you return to the Talbot



Arms? Yes.—Do you remember to whom you gave the jar at Mr. Frere's? I left it in Mr. Frere's hall.—Tied and sealed in the way you have told us? Yes.

Mr. BARON ALDERSON.—How did they get rid of the slit?

Mr. Bodkin.—Was there anything done in respect of the slit? Yes, I immediately cut the strings and replaced the bladders, and tied them separately again, so as that the slit was not at the top.—Was that before you left? Immediately on getting the jar again from Mr. Palmer I did that.—Before you took it to Mr. Frere? Yes.—Did you re-seal it? Yes.—Did you see that jar again before you left Rugeley that day? No.—When you got to the Talbot Arms, I understand the prisoner's house is immediately opposite to you? Yes.—Did you see him when you got there? Yes.—How? I went into the yard to order my carriage, and whilst waiting for it he came to me.—He came across? He came across.—What did he say to you? He asked me what I had done with the jar; I told him that I had left it with Mr. Frere; he inquired what would be done with the jar.—What did you say? I said it would go either to Birmingham or London that night.—For what purpose? For examination.—Did he make any observation upon that? I do not recollect.—I think I understood you to say that you, after the slit had been discovered, unpacked the jar and re-covered it? Yes.—Did you tie each cover separately? Yes.—With separate strings? Yes.—Did you seal it with your own seal? Yes.—During this post-mortem examination were there any persons there, friends of the prisoner, on his behalf I mean? No, I think not; there were several Rugeley persons there.—Were there any parties there on the occasion of the second examination? Yes.—On the part of Palmer? Yes.

*(The Court adjourned for a short time.)*

Cross-examined by Mr. Serjeant Shee.

You said that on the morning of the post-mortem examination, by which you mean the first examination, Palmer saw you, and said he was glad you had come to make the post-mortem examination, as somebody might have come whom he did not know? Yes.—Were you on terms of intimacy with him then, or only an acquaintance? Merely an acquaintance.—Occasionally, I suppose, practising at Rugeley, and known as a physician in practice in that neighbourhood? Yes.—You say in the course of the examination Palmer said "They will not hang us yet"? Yes.—Did he not address Mr. Bamford when he said that? At first.—Did he not say, "Doctor, they will not hang us yet"? He might do so.—Was it not so; "Doctor, they will not hang us yet;" do not you think that was it? I am sure he said "They will not hang us."—Was he not addressing Mr. Bamford, and did he not say, "Doctor, they will not hang us yet"? He first addressed Mr. Bamford in a loud whisper; afterwards he repeated the same expression loud before several persons.—You had said to him you understood there was a suspicion of poisoning? That I had heard it.—Now of the first post-mortem examination you drew up a report? Yes.—Did you draw it up on the day or the evening of that post-mortem examination? They were merely notes I wrote at the time the post-mortem examination was going on.—Is the paper which was shown to you just now, and which we were told Dr. Alfred Taylor had had in his possession, the very notes? No, those I wrote as soon as I got home; I wrote in pencil.—Where are those notes? Those I destroyed at the time.—You wrote the other as soon as you got home from the pencil-notes? Yes.—How came they into the possession of Dr. Alfred Taylor? I do not know.—But what did you do with them? I sent them to the father-in-law.—To Mr. Stephens? Yes.—When did you send them to Mr. Stephens? The same night; on the evening of the day.—And you have not seen them since, I presume, until to-day? No.—Were they produced on the occasion of the inquiry before the Coroner? I did not see them.—Now as to the second report, who did you give that to? Dr. Monkton took that with him; I do not know what became of it.—On the occasion of the first examination you say you observed follicles under the tongue; are those pustules? Not under the tongue, on the tongue.—Are they pustules? No.—What are they? They are large mucous follicles.—Not containing matter? No.—Is it a sort of thickening, then, of the skin? Of the mucous follicles at the base of the tongue.—Did they appear to be of long standing? Yes.—Were they numerous; were there many of them? Yes, many.—Do they indicate that there had been much soreness there, do you think? I have no doubt they would produce inconvenience.—In your judgment would they probably have given pain in the ordinary use of the mouth in eating and speaking? I doubt whether they would; I think they must give some degree of pain, but I should think slight.—Are they anything in the nature of enlarged glands from the irritation of disease? No.—Will you undertake to say they were not enlarged glands, glands enlarged by the irritation of disease? I do not believe they were; I have seen them frequently.—You say that the lungs were

healthy too? Yes.—Do you adhere to that? Yes.—Did not Mr. Devonshire, in your presence, express a contrary opinion, and say they were unhealthy? He said he thought there was amphysema, congestion of the lungs.—Is not amphysema a disease? It is not a natural state; it is very constant in persons who are supposed to be in health.—You mean supposed to be in health until they die and their bodies are examined? Not die with that disease.—Is it not a diseased state of the lungs? Yes.—Does it not consist in some sort of the air-cells being full of some description——? Distension of the air-cells.

Lord CAMPBELL.—It is an abnormal state of the lungs? Yes, it is.

Mr. *Serjeant Shee*.—The lungs you say were full of blood? Yes.—The heart empty? Yes.—Did you examine the white spots on the wider part of the stomach? Yes.—How did you examine them? By removing the mucus that was on the surface of the stomach with the finger or scalpel; I had no lens, no glass.—You would have been glad to have had one when you discovered those symptoms, would you not? I should have examined them with a lens if I had had one.—Was your examination of those appearances satisfactory to you without a lens? Yes.—Now you said or reported, for I have it down, that the brain was healthy; what sort of examination did you make of the brain? The brain was carefully taken out; the external part was first of all examined; the membranes were first examined, and slices were taken off from the apex to the base of the brain.—Of what thickness were those slices? Thin slices.—About what thickness; I am told that that is of importance? I should think a-quarter of an inch.—Now is that as thin as it should be to make a full examination? I think that that would show any disease if there was any: if there had been any appearance of disease we should have examined that part more carefully; there was no appearance of anything unhealthy.—You have told us you did not examine the lower part of the spinal cord at the first post-mortem examination; how far down did you examine it in the first instance? As far down as we possibly could: I requested Mr. Devonshire to cut the spinal cord as far down as he could, so that we might examine, and I said, if there is any appearance of disease, we might then open the canal.

Lord CAMPBELL.—Did you find any appearance of disease? We found no appearance.

Mr. *Serjeant Shee*.—After all, how far down did you examine it? Down to about the distance of the first vertebra.—Supposing you had discovered a softening of the spinal cord on that occasion, after a full examination of the spinal cord, might not that have been in your judgment sufficient to account for the death of Mr. Cook? No.—Not if you had found it, having opened and examined the spinal cord and found a softening; in your judgment that would not have been sufficient to account for his death? Certainly not; softening would not produce tetanus at all; it might produce paralysis.—Do not you think in the case of a man dying by convulsions, in order to ascertain with any degree of certainty what the cause of his death might be, it was necessary shortly after his death to make a careful examination of the spinal cord? It was afterwards thought desirable.—In order to ascertain with any degree of certainty or reasonable satisfaction, do not you think as a medical man it was necessary shortly after the death of the deceased carefully to examine the spinal cord? No, I do not.—Do you know who suggested it should be examined more than a month after death? The 26th of December was the first.—It was in January the second examination took place; supposing there had been a softening, do not you think, in order to discover it, it was necessary to examine the spinal cord at an earlier period after death than two months? If there had been a softening it would have been detected at the second examination; the body remaining unexamined for a long time would not produce hardening of the spine.—That is your opinion; might not any softening you observed at that late period be the result of decomposition? The spine was very little soft indeed.—Were there some appearances of decomposition upon it? Yes.—Might not that materially interfere with your examination for the purpose of ascertaining what the condition of it had been at death? I think not.—In the examination of a spinal cord is it not constantly necessary to use a microscope even shortly after death in order to discover if there had been any lesion of the parts? I do not know that it is.—Did you make any minute examination of the granules of the spinal cord? Yes, I examined them carefully.—In what way? With my finger, and with the eye.—With any microscope? No.—Did you examine him to see if there was any disease on him of the venereal kind? Yes.—Did you observe any? There was a loss of substance.

Lord CAMPBELL.—Was that from any disease on him at the time of his death or from some past disease? From past disease.

Mr. *Serjeant Shee*.—Could you form an opinion of how long that had been ago? It was cicatrised over, and on the cicatrix there was a small abrasion.—Then it must have been in a sore state? The excoriation might be a little sore.—Was it extensive? No;



very small.—But an open wound? It was a mere excoriation; merely a little of the excoriation rubbed off.

Re-examined by the *Attorney-General*.

Were there any chancres? There were no chancres.—Nothing beyond what you would term an excoriation? No.—Except the cicatrix from the old disease?—Yes. Now I will ask you these questions; you are a physician, and competent to answer them: would chance, even in its most positive and active state, produce tetanus? No.—Was such a thing ever heard of, to your knowledge? I never heard or read of such a thing.—You examined the throat; was there any symptom of ulcerated throat? No.—Any appearance of anything syphilitic there? None whatever.—Again, I ask, have you ever heard or read of an ulcerated or syphilitic throat producing tetanus and death? No, never.—As to those follicles on the tongue, to what cause do you ascribe those; what condition of body produces those? I think often a disordered stomach.—Are they of any serious consequence to health; would they in any way account for death in this form? No.—You have been asked about the state of the lungs; there was emphysema there; that is, an undue quantity of blood in the air-vessels? Yes.—Could that have any connexion with this death? No.—Mr. Devonshire made some observation with regard to there being a congestion of the lungs? Yes.—Did that appear to you a state of disease which might have existed in the lungs before death, or was it due to the gravitation of blood after death? I believe it is due wholly to the gravitation of blood after death.—Supposing you were wrong in that view, was there anything in the lungs which could account for death? Nothing.—The heart, you say, was empty? Yes.—But, if I understood you, in your examination in chief you said the heart in other respects was healthy? Yes.—And the emptiness of the heart you ascribe to spasmodic action? Yes.—When the heart is empty of its contents, life cannot go on? Certainly not.—That would be something immediately concomitant with death? Yes.—You heard the spasmodic affection of this man's body prior to death described by Mr. Jones yesterday? Yes.—Would those symptoms account for the exhaustion of the fluid contents of the heart? Yes, I believe the spasms in the muscles generally also extend to the heart.—Is there any other cause to which you can trace the emptiness of the heart except the spasmodic action described yesterday by Mr. Jones? Yes.—The fluidity of the blood of which you spoke, that is rare even in cases of sudden death? Yes.—Did you ever hear or know of fluidity of the blood in any other case than that of sudden death? I have read in cases of poisoning the blood is sometimes fluid.—What description of poisoning? Arsenic and strychnine too.—Now, first, as to the white spots on the stomach, they were quite visible to the naked eye; you had not a lens to examine them? I had not; they were visible.—Had you any difficulty in ascertaining their extent, and what they were? No.—With regard to the brain, whether the slices you took off were sufficiently large or not, was there anything in the brain to indicate the presence of any disease or not? Nothing whatever.—Supposing there had been, did you ever know, or hear, or read, in the course of your studies, of any diseased state of the brain occasioning death by tetanus? No.—You were also asked with regard to the examination of the spinal cord; was there any relaxation in the spinal cord that would at all account for those symptoms attending the death? No, nothing.—Was there any relaxation of it at all; had death produced any amount of relaxation there? No.—In your opinion, supposing you had examined the state of the spinal cord immediately or recently after death, would you have been able to make a better examination of it than you did when you did examine it? Not at all.—Is there any disease of the spinal cord with which you are acquainted which produces tetanus and that form of death? No; sometimes with inflammation of the membranes of the spinal cord there is tetanus; but there were no appearances of inflammation whatever.—To what do you ascribe the granules which you found there? It is not unfrequent in the dura mater for there to be small granules that are called the glands, and you may consider that these are something of the same nature.—Is that a diseased condition or not? It is doubtful; they are never found in young persons; they are almost always found after adult age.—It is hardly to be called an abnormal condition? I believe every one has them; I never saw a head without them.

Mr. CHARLES JOHN DEVONSHIRE sworn.

Lord CAMPBELL.—It cannot be necessary to carry Mr. Devonshire all over the same ground?

Mr. Huddleston.—I do not propose to do so, my Lord.

Examined by Mr. Huddleston.

Are you an undergraduate of medicine of the University of London? I am.—Were you, in November last, at Dr. Monkton's at Rugeley? Yes.—You were assisting him?

I was assisting him in his practice.—Did you perform the post-mortem examination on the 25th of November at the Talbot Hotel? I did.—In what state did you find the body? The body was pale; there was a general pallor.—As to form how was it? The fingers were clenched firmly; the thumb of the left hand was thrown into the palm, the fingers were clenched over.—Did you notice the mouth? The mouth was a little contorted.—Now, was the body generally stiff, or how? Very stiff; perfectly so.—I believe you opened the body? I did.

Lord CAMPBELL.—Was it stiff beyond the usual stiffness of death? Much more so, my Lord.

Mr. *Huddleston*.—You opened the body, I believe? I did.—In what state was the liver? It was very healthy.—Did you examine the heart? I did.—In what state was that? The heart seemed healthy; it was perfectly empty; there was no blood.—Was it the usual size? Yes, the natural size.—Did you notice the lungs? Yes, I did; they contained a considerable quantity of dark fluid blood, and there were traces of amphycena in the left lung.—In what state was the blood? Perfectly fluid.—Did you examine the brain? I did.—In what state was the brain? I found it healthy throughout.—Did you examine any portion of the spinal cord? I examined a small portion of the spinal cord, about a quarter or half an inch of it; as far as I could reach with a knife.—In what state was that? Perfectly sound and healthy.—Did you take out the stomach? I did.—Did you open it? Yes.—What did you open it with? With a pair of scissors.—Had you a jar there? Yes, I had.—As you were opening the stomach with a pair of scissors did anything happen? There was a pressure from behind, or a push, and I went a little forward; I did not pay any attention to it.—What was the effect of that; did anything happen to the contents of the stomach? I cannot say any escaped.—What was done with the contents of the stomach; I believe you punctured the stomach? The anterior surface of the stomach.—And some of the contents fell out? A spoonful went on the chair.—The contents were put into a jar, and you saw that jar sealed by Dr. Harland? Yes.—Did you tie the stomach up where it was punctured before you put it in the jar, with a piece of string? Yes.—You found nothing in the stomach and intestines, they were quite healthy? Quite healthy.—Did you go to Mr. Frere's that same day for the jar? I did.—Did you find the jar there in the same state as you had seen it made up by Dr. Harland? I did.—And did you give that to Mr. Boycott, Messrs. Lander and Gardiner's clerk? Yes, I did.—That was on Monday, the 26th? Yes.—On the 29th did you open the body again? I did.—I believe that was to get the liver and kidneys? Yes, and the spleen.—Did you take them out of the body? Yes, with some blood.—The liver, the kidneys, the spleen, and some blood? Yes.—What did you do with them? I put them in a stone jar.—Did you seal it up? I put on it wash-leather and brown paper, and then I sealed it.—Did you deliver that same jar in the same state on the 30th to Mr. Boycott, the same person to whom you delivered the former? I did.—In making the post-mortem examination did you examine the penis? I did.—Did you see anything there? Nothing at all.—Was that in consequence of something that was stated by Palmer? It was the subject of his observation.—That was why you examined the penis? Yes.—Did you hear Palmer say something? Yes.—What was it he said? That "we should find syphilis upon him; that he had had syphilis and sore-throat."—In consequence of that you looked at the penis? Yes.—Did you find any chancre or anything of that sort? I saw nothing of the sort; there was no hardness.—In consequence of that did you also take out the throat? I did, but not in consequence of that.—Were there any marks of ulceration or soreness there? There were natural papillæ; but they were larger than usual at the base of the tongue.

#### Cross-examined by Mr. *Grove*.

Tetanic convulsions are supposed to proceed from an affection of the spine? Yes, they do.—Is not that considered the proximate cause, some derangement of the spine? It is, and complaints that affect the spine.—A derangement, I believe, not always capable of being detected by examination? Just so.—In examining the body of a person who was supposed to have died of tetanus, would not the spinal cord be the first region looked to? You would look at the spinal cord.—Was any part of the spinal cord exterior to the aperture in the cranium examined on the post-mortem? About half an inch.—What is about the length of the whole spinal cord? It depends upon the height of the man.—Were you present when the granules were discovered in a subsequent examination? I was not.—Do you know whether, although in certain cases there may be affection of the brain and cord which do not produce death, in others slight granules have produced death? I do not exactly understand the question.—Where you discover disorder, such as granules pressing on the spinal cord near the dura mater, would not this, in certain



cases, be considered sufficient to account for death? If they produced great irritation and pressure.—But in certain cases might they not produce death?

Lord CAMPBELL.—Have you seen any case of that sort? No.

The *Attorney-General*.—Have you been in practice at all? For a short time.

Mr. BARON ALDERSON.—When you have all the medical men in London here, you had better not examine an undergraduate of the London University.

Re-examined by the *Attorney-General*.

At the time you were making this post-mortem, did you know that this man had died of tetanus? I was not certain; there were hints thrown out that it was so.—But that was all? That was all.—You had no knowledge of the precise circumstances attending the death? No, I had not.

Dr. DAVID HENRY MONKTON sworn.—Examined by the *Attorney-General*.

Were you present at the first post-mortem examination? I was not.—You are a physician, residing at Rugeley? I am.—On the 25th of January did you take part in a post-mortem examination of the spinal cord and marrow of the deceased man, John Parsons Cook? I made that examination.—Be so good as to describe the state of the muscles of the body as you saw them? Those of the trunk and neck were in a state of laxity.—Was that, in your opinion, due to the commencing decay of the body or not, or should you ascribe it to any other cause? I should consider that the cause.—If I understand what you have just now said, that would not be inconsistent with the fact of there having been a great rigidity of those muscles at the time of death? Certainly not.—How did you find the muscles of the arms and legs? In a state of rigidity.—When you say rigidity, do you mean rigidity such as exists after death, or greater than you generally find in dead bodies? I should not say it was an unnatural amount of rigidity.—Was it more than you would expect to find in an ordinary dead body, considering the length of time that had elapsed since the death? The rigidity was not more, the position was peculiar; that is a different thing.—Describe what you mean by saying the position was peculiar? The muscles of the arms had partially flexed the fingers of the hands.—Was the position of the hand—those partial flexures I suppose I may call it—firm or not? Very firm; it required a considerable force to relax or open it.—How did you find the feet? The feet were turned inwards much more than is usual.—Did you carefully examine the spinal cord? I did.—Did you hear the report read by the last witness? I wrote that report.—Was the condition in which that part of the body then was, such as to enable you to make a satisfactory examination of it? Certainly it was.—If there had been, prior to death, any diseased or abnormal condition of that part of the body, could you have had any difficulty in detecting it? I think not.—I am speaking of the part of the body to which you confined your examination, the spinal cord and marrow? Exactly.—Was there any diseased condition of it? No, no disease.—The report speaks of certain granules which you detected? It does.—To what do you ascribe those granules? It is difficult to give the origin of them.—Do you agree with the last witness that they are commonly to be found in persons after a certain period of life? They are.

Lord CAMPBELL.—Do they lead to a sudden violent death? I believe not.

The *Attorney-General*.—You never knew or heard of disease or sudden death being produced from that cause? Never.—I understand you to say the report which has been read contains your opinion on the subject? Fully.

Cross-examined by Mr. *Serjeant Shee*.

What did you do with that report? On the 2nd of February I gave it into the hands of Mr. Gardiner.—That is the attorney of Mr. Stephens? Yes.—You have not seen it since? No, not before to-day.

JOHN BOYCOTT sworn.—Examined by Mr. *Welsby*.

Are you clerk to Landor, Gardiner, and Landor, solicitors, at Rugeley? I am.—On the 26th of last November did you receive a jar from Mr. Devonshire? I did.—Was it covered with brown paper, and sealed up? It was.—Did you take it to London? I did.—Did you deliver it in the same condition to Dr. Alfred Taylor, at Guy's Hospital?—On the next day I did.—In the same condition? Yes.—Afterwards, on the 30th of November, did you receive another jar from Mr. Devonshire at Dr. Monkton's house? I did.—Did you bring that up to London also? I did.—And deliver it in the same condition to Dr. Taylor? I did.—Were you present at the inquest on the body of Cook? I was not.—Did you fetch Mr. Newton to be examined at the inquest? I do not think I did; I did not.—When you were on your way to London on Tuesday last, at the Rugeley station,

did Mr. Newton come and make a communication to you? He did.—Did he ask to see Mr. Gardiner? No; he knew Mr. Gardiner was out.

Lord CAMPBELL.—He made a communication to you as Mr. Gardiner's clerk? Yes.

Mr. Welsby.—When you got to London did you take him to Mr. Gardiner? I did.—Did you hear him make the same observations to Mr. Gardiner? Yes, I did.

Lord CAMPBELL.—Will you put any questions to this witness, brother Shee?

Mr. *Serjeant Shee*.—No, I do not, my Lord.

JAMES MYATT, sworn.—Examined by Mr. *James*.

In November last were you postboy at the Talbot Arms at Rugeley? Yes.—Do you remember Mr. Palmer, the prisoner? Yes.—Do you remember Monday, 26th of November last? Yes.—Were you ordered on that evening to take Mr. Stephens to the Stafford station? On the Monday night.—About what time did you get the order to take Mr. Stephens to the Stafford station? It was a little after 5.—Now, before you started did you go home to get your tea? Yes.—On returning from your tea to the Talbot Arms did you meet the prisoner? Yes.—Did he speak to you? Yes.—What did he say to you? He asked me if I was going to drive them to Stafford: Mr. Stephens.—What did you say? I told him I was.—What did he say to you then? He asked me if I would upset them.—Was anything said about a jar?

Mr. *Serjeant Shee*.—Let us have what he said.

Mr. *James*.—It is a perfectly legitimate question.—Was anything said about a jar? He said he supposed I was going to take the jars.—What did you say then, or what did he say? I said I believed I was.—After you said you believed you were, what did he say? He says, "Do you think you could upset them?"—What answer did you make? I told him, "No."—Did he say anything more? He said, if I could, there was a 10*l.* note for me.—What did you say to that? I told him I should not.—Did he say any more to you? I told him that I must go, for the horse was in the fly waiting for me to start.—Before that was said, do you remember whether he said anything more about the jars? I do not recollect.—Did he say why he wanted you to upset them; did he say any more to you about it? you must tell the whole truth here. Not any more about the jars.—Did he say any more at that time to you? Yes.—You must tell the whole. I told him if I did not go there was somebody else would go; he told me not to be in a hurry.—You must tell the whole of what he said to you. He told me not to be in a hurry, for if any one else went he would pay me.—Did he say more to you that evening? I do not recollect.—Did you see him the next day? I saw him the next morning.—Did he speak to you? When I was going to my breakfast.—Do you pass his house to go to your breakfast? Yes.—What did he speak to you? Yes.—What did he say to you? He asked me who went.—Who went with the fly? Yes.—What did you tell him? I told him Mr. Stephens and I believed it was one of Mr. Gardiner's clerks.—Then what did he say to that? did he say anything when you told him that? He said he believed it was: I do not recollect anything more.

Cross-examined by Mr. *Serjeant Shee*.

You say he asked you whether you were going to drive them to Stafford: what conversation was there between you and him before he used the words "going to drive them to Stafford"? I had not spoken to him before.—How do you know what he meant by "going to drive them to Stafford"? I knew I was going to take some one to Stafford.—But did he use the words "going to drive them to Stafford"? Them was the words, I believe.—Did he use the name "Stephens"? Mr. Stephens's name was mentioned.—Was it mentioned before he used these words to you, asking you if you were going to drive them to Stafford? I do not recollect.—How do you know he mentioned "Stephens"? He mentioned Mr. Stephens afterwards.

Lord CAMPBELL.—Did he mention Mr. Stephens that evening? Not at first.—But in the course of that conversation? Yes.

Mr. *Serjeant Shee*.—How near were you to the Talbot Arms? Between 300 and 400 yards.—Had you been preparing a fly? I did not prepare the fly; the fly was prepared while I went to my tea.—Was there any other gentleman at the Talbot Arms at the time, any visitors besides Mr. Stephens and his party? I cannot say; there might be.—You understood the word "them" to mean Mr. Stephens and his party; was that what you say? Yes.—Were not these the words Palmer used: "I should not mind giving 10*l.* to break Mr. Stephens's neck"? I do not recollect him saying "to break his neck."—Were they not words to that effect, "I should not mind giving 10*l.* to break his neck"? I do not recollect that.—Then "10*l.* to upset him"? Yes.—Those were the words, were they? Them were the words, to the best of my recollection.—Did he appear to have



been drinking at the time? I cannot say.—When he said “to upset him,” did he use any epithet; did he describe him in any way, such as “upset the fellow”? He did not describe him in any way.—Did he say anything about him at the time? He did say something about it; it was an humbugging concern, or something to that effect.—That he was an humbugging concern, was that it? No.—That it was a humbugging concern, or something to that effect? Yes.—Did he say anything more on the subject, that he was a suspicious, troublesome fellow? I do not recollect him saying anything of that.—Did he speak angrily of him, in an angry tone? I cannot say that he did.—Did not describe him in any way? No more than that.—He gave you no notions, from what he said, of what reason he had to complain of him? No.—Do not you collect from what he said he had been very troublesome and suspicious? He did not say anything about that.

Re-examined by the *Attorney-General*.

My friend has put the words to you in a somewhat different form; just let me have your words over again; give it your own way; what was it Palmer said to you when he saw you there in the street? He asked me if I was going to drive them to Stafford? I told him I believed I was. “Was it Mr. Stephens I was going to take?” I said “I believed it was.”—What did you say then? He supposed I was going to take the jars; I told him I was; he asked me if I would upset them? I told him I should not: if I would, he said, there was a 10*l*. note for me.—What part of the conversation was it at which he said it was a humbugging concern? It was towards the middle of it.—Was it before or after he had offered you the 10*l*.? I cannot exactly say.—Do you recollect whether it was before or after? I cannot recollect whether it was before or after.—Was that all that was said, or do you remember anything else? That is all I recollect at that time.

Lord CAMPBELL.—Do you not know whether there was more than one jar? I do

Mr. SAMUEL CHESHIRE sworn.—Examined by Mr. *James*.

I believe you were for some years postmaster at Rugeley? I was.—You are now from Newgate suffering punishment for having opened a letter as postmaster? Having read a letter.

Lord CAMPBELL.—That was the crime for which you were punished? Yes.

Mr. *James*.—You pleaded guilty to the indictment, did you not? I confessed my guilt.—How long were you postmaster at Rugeley? Upwards of eight years; it would have been nine years on the 5th of April of the present year.—Did you know the prisoner William Palmer? I did very well.—How long had you known him? We were school-fellows together.—Were you in the habit of going to races with him at times? I think I was, about three times in my life; three or four, I cannot say which.—And betting upon his horses with him occasionally? No, I never bet; I never made but one bet in my life.—However, you were intimate with him? I was very intimate with him.—I believe you went to Shrewsbury races with him in November, 1855? Yes, I did.—When did you return to Rugeley from Shrewsbury? The same evening at twenty minutes past eight.—Was it Tuesday the 13th that you were there? It was on a Tuesday.—The day that Polestar won? Yes.

Lord CAMPBELL.—The day the haudieap was run? Yes.

Mr. *James*.—You returned the same day to Rugeley? Yes.—On Saturday the 17th did you go with the prisoner to see Mr. Cook at the Talbot Arms? Yes, I did.—Was he in bed or sitting up, do you remember, at that time? He was in bed.—Did you live at the post-office? Yes.—About how near was the post-office to Palmer's house? About 300 or 400 yards.—On Tuesday, the 20th of November, did you receive any message from Palmer to go to him? On the Tuesday evening I did.—Do you remember about what time? I think it was somewhere between six and seven.—As part of the message was anything said about bringing a stamp with you? Yes, I was to bring a receipt-stamp with me.—In consequence of receiving that message did you go to Palmer's house? Yes, I did.—Did you take a receipt-stamp with you? Yes, I called at James's the book-seller's on my way, and purchased a shilling's worth.—When you got to Palmer's whereabouts did you find him? He was in his sitting-room.—When you got there what did he say to you? I waited a short time; he said he wanted me to write out a cheque.—Did he produce anything to you? He produced a copy.—From which you were to write? From which I was to write.—Did you write it out? Yes.

Lord CAMPBELL.—You copied it? I copied it.

Mr. *James*.—Did he tell you for what purpose he wanted it? Yes, he said that it was money that Mr. Cook owed him.—As nearly as you remember what did you write in his presence?

Lord CAMPBELL.—Was what you wrote left in Mr. Palmer's possession? It was.

Lord CAMPBELL (to Mr. James).—Then you can call for it.

Mr. James.—Yes, my Lord; I am now asking what he wrote in Palmer's presence; there is a notice to produce it; I can but do what I was doing.

Lord CAMPBELL.—You cannot.

Mr. James.—Then, my Lord, I will trace it to his possession in a moment. (*To the witness*) Before you commenced writing it, did he give you any reason why he wanted you to write it? He said Mr. Cook was too ill, and he said Wetherby would know his writing.—Wetherby would know his (Palmer's) writing? Yes.

Lord CAMPBELL.—He said, "Wetherby would know my writing"? Yes.

Mr. James.—Did he tell you what he was going to do with it when you had written it? He said he was going to take it over for Mr. Cook to sign.—After you had written this, did Palmer take it away with him? I left it with him.

Mr. Attorney-General.—We know that it went out of his possession afterwards, and therefore, perhaps, we ought to follow it.

Mr. WETHERBY sworn.—Examined by Mr. James.

What are you? I am secretary to the Jockey Club; that is one of my employments.—Your establishment is in Burlington Street? It is.—Do you keep a sort of banking-account with gentlemen, and receive stakes for them, and pay stakes for gentlemen who have race-horses and run horses upon the turf? Yes.—Did you know Parsons Cook, the deceased? I had an account of that kind with him.—Cook had an account with you rather? He had.—Did you know the prisoner, William Palmer? Slightly; yes, I did.—Had he any account with you? No; that is to say, he had no account of that nature; no general account; I occasionally paid and received money for him.

Lord CAMPBELL.—He had no banking-account? No banking-account.

Mr. James.—The other is a species of banking-account, is it not? It is.—On the 21st of November, did you receive a cheque or order (we will prove the contents presently) for a sum of 350*l.*? I did.

Mr. Serjeant Shee.—What did you do with it afterwards?

Lord CAMPBELL.—Let me take this down very exactly.

Mr. Serjeant Shee.—My Lord, he received a paper, which he afterwards did something with; then we must have the contents of it.

Mr. James.—It identifies it as being a cheque. (*To the witness*) Did it come by post? It did.—By whom did it purport to be signed?

Mr. Serjeant Shee.—That you cannot regularly get, until you show what he did with it.

Lord CAMPBELL.—This is to identify it.

Mr. James.—Did you afterwards send that back the next day? Two days after.—That would be on the 23rd? That would be on Friday, the 23rd.—To whom did you send it back? To Mr. Palmer.—The prisoner, at Rugeley? Yes.

Mr. Serjeant Shee.—By post, I suppose? Yes.—Did you put it in yourself? No.

Mr. Serjeant Shee.—That stops you from going further.

Mr. James.—No, it does not. (*To the witness*) Where do you generally place your letters for the post? In Vigo-street.—I mean, in your office? They are placed in a box; a list of them is kept, and near post time they are sent to the post-office.—Was this letter taken away to be posted with the others? It was.—In the ordinary course of your business? In the ordinary course.—Do you remember the amount for which the order was? 350*l.*

Mr. James (to Mr. Serjeant Shee).—Shall I prove the notice to produce; I have the witness here?

Mr. Serjeant Shee.—I think, my Lord, it is my duty to see that things are regularly done in this matter.

Lord CAMPBELL.—In a case of felony you cannot make any admissions.

Mr. JOHN BOYCOTT, sworn.—Examined by Mr. James.

Did you serve a copy of these two notices to produce: one upon the prisoner, and the other upon Mr. Smith, his attorney? I did.—When was it served? On the 3rd of May: I served them both; one upon Mr. Smith, and the other upon Palmer personally.—Where was the prisoner then? In Stafford gaol.

Mr. James.—To go quite regularly, my Lord, the notice is, "To produce a certain cheque for 350*l.*, of which the body is in the handwriting of Samuel Cheshire, and the signature purports to be in the handwriting of the said John Parsons Cook."



Mr. WETHERBY called again.

Mr. *Serjeant Shee*.—You know the handwriting of John Parsons Cook? Yes.—Was not that in his handwriting? As far as I recollect.

Mr. *Attorney-General*.—We must first call upon you to produce it.

Lord CAMPBELL.—You cannot do that, brother.

Mr. *Serjeant Shee*.—My Lord, we have it not.

Lord CAMPBELL.—That is all that you can say; you do not produce it.

Mr. SAMUEL CHESHIRE called again.

Mr. *James*.—As well as you remember, what was it that you wrote from the copy that Palmer gave you? It was addressed to Messrs. Wetherby; I really cannot exactly call to mind the wording; it was something to the effect, "Please to pay to Mr. William Palmer the sum of 300*l*."—and I cannot recollect what the exact amount above the 300*l*. was; it was 300*l*. and odd—"and place it to my account." I believe those were the words.—Did you put any date to it, do you remember? I cannot recollect that.—You left it with him and went away? Yes.—This was the Tuesday: do you remember seeing Palmer again on the Thursday or Friday? Yes, he sent again for me.—Do you remember which day it was? I cannot call to mind which day exactly.—Do you remember hearing of the death of Mr. Cook at the Talbot Arms? I do.—Was it after that? It was after that.—He sent for you again either on the Thursday or the Friday? Yes.—Do you remember about what time of the day he sent for you? It was in the evening; that was some time between 6 and 7.—Did you go to him? I did.—When you went to him upon that evening, where did you see him? I saw him in the kitchen.—In his kitchen? In his kitchen.—When you went in, did he go out of the kitchen and come back to you with something in his hand? Yes.—What was it that he returned with in his hand? He had a quarto sheet of paper in his hand.—Did he give you a pen, and ask you to do something? He gave me a pen, and asked me to sign it.

Lord CAMPBELL.—Was there anything written upon this quarto sheet of paper? There was.

Mr. *James*.—You asked him what it was? Yes.—What did he say? He said, "You know that Cook and I have had dealings together, and this is a document which he gave me some days ago, and I want you to witness it."—What did you say to him? I said, "What is it about?" and he said, "There is some business that I have joined him in, and which was all for Mr. Cook's benefit, and this is a document stating so," or something of that kind.—Did you look at the paper? I just cast my eye over it.—What sort of paper was it? you said a quarto sheet; just describe it; you are a man of business; you understand me; what sort of paper was it?

Mr. *Serjeant Shee*.—He has said it was a quarto sheet; do you want to get the contents of it.

Mr. *James*.—I want an answer to a question which I am very properly putting. If you have any objection to make I will argue it, and my Lord will decide it.

Lord CAMPBELL.—You are quite right.

Mr. *James*.—Will you describe it? It was post-quarto paper of a yellow description.—Do not tell us at present what the contents were; did you observe the writing? Yes, I did.—In whose writing was it? I thought it was Mr. Palmer's own writing.—What did you say when he asked you to sign it? I told him that I could not.—Did you give any reason? I told him that I should have to be called upon, perhaps, to give evidence in the matter at some future day.—Did you say anything about Cook? I told him that I had not seen Mr. Cook sign it, and I likewise told him that I thought the post-office authorities would not like me to be called on to give evidence as to a document which took place while I was absent.—You said that you had heard that Cook was dead on the Tuesday night, the 20th? I had.—Did you say anything about that? I do not believe that I said anything with regard to his death at the time; in fact, I did not give my exact reasons for not signing it.—When you refused to sign did Palmer say anything? He said that it would be no matter, and he dared say that they would not object to Mr. Cook's signature.

Lord CAMPBELL.—What did he say would be no matter? That it did not matter my signing it.

Mr. *James*.—What became of the paper? I gave it him back again.—Did you leave it with him? Yes I did.—And went away? Yes.

Mr. *James*.—The notice to produce, my Lord, is in the same notice to produce: "And also a certain sheet of paper produced and shown to the said Samuel Cheshire by you on or about the 22nd or 23rd of November, purporting to be an account of certain bill or

other transactions between the said John Parsons Cook and yourself, and receipt for the same, and purporting to be signed by the same John Parsons Cook." We call for it, it is not produced. (*To the witness*) Did you say that there was a stamp upon it, as far as you remember? I believe there was.—Did you read it? I did not read it all; I just cast my eye down it.—To the best of your recollection can you give any description of it; what it was; what the contents of it appeared to you to be? It was to the effect that certain bills, the dates of which with the amounts were quoted, but which I cannot recollect now, were all for Mr. Cook's benefit and not for Mr. Palmer's, I believe: those may not be exactly the words used, but something of that kind.—Were the amounts large or small, do you remember? Rather large amounts.—Have you any recollection of them? I recollect two; one was 1000*l.* and one was 500*l.*—Did you see any signature to it? Yes, there was a signature.

Lord CAMPBELL.—What name? It was either I. or J. P. Cook; I cannot say whether it was an I or a J.

Mr. James.—Do you remember whether it was "J. P. Cook," or whether the words "Parsons Cook" were written? I do not think it was "Parsons Cook."—You say you knew Palmer very well; were you in the habit of giving to Palmer letters addressed to his mother? Yes; in fact, he has called for them.—Was he in the habit of calling for letters addressed to his mother? Yes.

Lord CAMPBELL.—Did she reside at Rugeley? She did.

Mr. James.—During the months of October and November 1855, did you give him letters addressed to his mother? I cannot recollect that I did.—Try and remember? I cannot.—Did you give him any letter addressed to Mr. Cook? I do not know that; Mr. Palmer has taken Mr. Cook's letters, and Mr. Cook has taken Mr. Palmer's letters.—Just attend: do you remember the inquest being held on Mr. Cook? Yes, I do.—It began on the 29th of November (we have the depositions here), and it ended on the 5th of December, I think; do you remember seeing Palmer while that inquest was going on? Yes.—Did he say anything to you about any letter coming to Mr. Gardiner from Dr. Taylor? He came down to me on the Sunday evening and he asked me if I saw or heard anything fresh.—Can you fix the date of that Sunday at all? I know it was the Sunday previous to the 5th of December.—You knew, perhaps, that the inquest was adjourned to the 5th of December? Yes, I did.—That would be the 3rd, I am told: he asked you if you had seen or heard anything fresh? To let him know.—What did you say to that? I thought that was a temptation for me to open a letter.

Mr. Serjeant Shee.—We cannot have what he thought. (*To the witness*) Tell us what you said; you need not tell us what you thought? I told him I could not open a letter.

Mr. James.—How came you to say that? I could not see what other information he required.—What did you say to him; you told him you could not open a letter? And he told me that he did not want me to do anything to injure myself; I believe that was about all the conversation that passed.—At that time? Yes.—Did he come again to you? I do not recollect; he did not.—What was the letter which you read, which you are suffering punishment for? It was a letter from Dr. Taylor to Mr. Gardiner.—To Mr. Gardiner the solicitor? Yes.—You say you are suffering punishment for having read to Palmer a letter from Dr. Taylor to Mr. Gardiner? Yes.—When did you read that letter to him? I did not read the letter to him.—When did you give him the letter to read? I did not give it him at all.—What was it you did? I merely told him a few words of its contents.—Did you read it? I did not read the whole of the letter myself.—Did you read part of the letter from Dr. Taylor? I read part of the letter.—And told Palmer the contents? Yes.—At least as much as you remembered? As much as I remembered.

Lord CAMPBELL.—When? It was on the morning of the 5th of December.

Mr. James.—Do you know Palmer's handwriting well? Yes, I think I do.—Just look at that (*handing a letter to the witness*)? Yes, I believe that to be his.—Before I read it, what did you tell Palmer of the contents of that letter from Dr. Taylor to Mr. Gardiner, as nearly as you remember? I told him that there were no traces of strychnia found.

Lord CAMPBELL.—You told him that you found this in Dr. Taylor's letter? Yes, no traces of strychnia to be found.

Mr. James.—What else, as well as you remember? I cannot recollect what else I told him.—Did he make any observation upon that? He said he knew they would not, for he was perfectly innocent.

Captain JOHN HAINES HATTON, sworn.—Examined by Mr. James.

I believe you are chief Superintendent of the Police of Staffordshire? Chief Constable.—Did you obtain this letter (which I have just proved to be in Palmer's hand-



writing) and envelope from Mr. Ward the coroner.—Mr. Ward handed me that letter; I endorsed it.—You made your minute at the time? I did.

Mr. *Serjeant Shee*.—Let me just look at it (*the same was handed to Mr. Serjeant Shee*).

Lord CAMPBELL.—The former witness has proved it.

Mr. *Serjeant Shee*.—Just so, my Lord.

Mr. *Straight*.—The envelope is addressed, “W. W. Ward, Esq., solieitor, Stafford;” the letter is without date; the signature may be “W. P.,” they are initials not very easy to be read: “My dear Sir, I am sorry to tell you that I am still confined to my bed. I do not think it was mentioned at the inquest yesterday that Cook was taken ill on Sunday and Monday night in the same way as he was on the Tuesday night when he died. The chambermaid at the Crown Hotel, Masters’, can prove this; I also believe that a man by the name of Fisher is coming down to prove he received some money at Shrewsbury. Now here he could only pay Smith 10*l.* out of 41*l.* he owed him. Had you not better call Smith to prove this? And again, whatever Professor Taylor may say to-morrow, he wrote from London last Tuesday night to Gardiner to say, ‘We and Dr. Rees have this day finished our analysis, and find no traces of either strychnia, prussic acid, or opium.’ What can beat this from a man like Taylor, if he says what he has already said, and Dr. Harland’s evidence? Mind you, I know and saw it in blaek and white what Taylor said to Gardiner, but this is strictly private and confidential, but it is true. As regards his betting-book, I know nothing of it, and it is of no good to any one. I hope the verdict to-morrow will be that he died of natural causes, and thus end it. Ever yours,” I think it is “W. P.”

Lord CAMPBELL.—The envelope.

Mr. *Straight*.—The envelope is addressed, “W. W. Ward, Esq., solieitor, Stafford.”

Mr. *James* (*to Captain Hatton*).—He was the coroner at the inquest? He was.

Mr. SAMUEL CHESHIRE called again.—Cross-examined by Mr. *Serjeant Shee*.

You knew Cook well, I suppose? I knew Cook very well; I knew him from about September, I think; that was the time I became intimate with him.—Did you know his handwriting? No; I did not; I had seen it; but I could not tell, if I were to see it now, whether it was his own; I was not sufficiently acquainted with his handwriting to be able to recognise it.—Not to be able to state your belief respecting it; had you ever seen him write? Letters?—Had you seen letters addressed to him? Yes; I had.—You do not think you could speak to his handwriting? I could not.—When you were talking about the paper which Palmer asked you to sign, and when you declined to sign it, did he say anything? He said, “Oh! never mind; I have no doubt they will not object to Mr. Cook’s signature.”—Touching the last portion of your examination; he came to you, you said, and he asked you whether you had heard anything? Seen or heard anything.—Was it “seen anything,” or was not it, “have you heard anything”? “Seen or heard.”—Are you sure that he said, “seen or heard;” or was it not, “have you heard anything”? “Seen or heard.”—Did you then say that you had heard something, but that it would be wrong of you to tell him? I told him that I had seen something.—But that it would be wrong for you to tell him; did he then say, “What have you heard”? He said, “What have you seen?”—And then you said what you have already told us; and did he not then say, “I knew they would not, for I am as innocent as a baby”?

Lord CAMPBELL.—He has already said that.

Mr. *Serjeant Shee*.—I am only asking the phrase, my Lord.

I believe that was the phrase which he used.—Do you remember, on the Saturday before the death of Cook, being told by Palmer that he was very ill? Yes, I do; I dined with him and Mr. Smith that day.—Was Cook expected? He was; he should have been one of the party.—Did Palmer say that Cook was very ill, and that he must call in Bamford? Yes.—Had you seen Cook that day? I saw him in the evening.—What state was he in then; was he unwell then? He was in bed.—Was he unwell then? I should suppose he was.

Mr. *James*.—What day was that? It was on the Saturday.

Mr. *Serjeant Shee*.—Did you see Palmer at Rugeley on the Wednesday, the second day of the Shrewsbury Races? Yes; I did.—What time of the day? It was about mid-day, I think.

Lord CAMPBELL.—That would be Wednesday, the 14th.

Mr. *Serjeant Shee*.—Did you see him there on the Tuesday night? I did not.

Re-examined by Mr. *James*.

About how long does it take to go by the train from Stafford to Shrewsbury? I can-

not say; the trains run so very badly from Rugeley.—Is it about an hour from Stafford to Shrewsbury? More than that.—How much? If the trains ran so as to meet each other, I should say it would take an hour and a half.—When you once start in the train from Stafford, what is the duration of the journey from Stafford to Shrewsbury? From Stafford to Shrewsbury a little upwards of an hour.

Mr. *Serjeant Shee*.—We do not make any question that he was there on the Wednesday evening; that is not the object.

Mr. ELLIS CRISP sworn.—Examined by Mr. *James*.

Are you Inspector of Police at Rugeley? I am.—On the 17th of December did you assist in searching the prisoner's house? I did.—There was a sale, was there not, of his things on the 5th of January? There was.—Did you get this book there; was that at the sale as his property (*handing a book to the witness*)? Yes.

Lord CAMPBELL.—Did you buy that book at the sale? I did not buy it; I took it away at the sale; I saw it being sold, and took it away.

Cross-examined by Mr. *Serjeant Shee*.

Where did you find the book; you found it in his house, of course? It was being sold.—What I mean is, it was not put away or concealed in any manner? No.—It was with other books? It was brought out with a lot of books to be sold.

Lord CAMPBELL.—The auctioneer had put it up for sale.

Mr. *Serjeant Shee*.—Were there other medical books? Yes.

Mr. JOHN BOYCOTT called again.—*The book proved by Mr. Crisp was shown to the witness.*

Mr. *Attorney-General*.—Look at this book (*handing another book to the witness*), and see if it is the handwriting of Palmer? I believe it is; both of them.

Mr. *Straight*.—In this book (*the first book*) is written "Strychnia kills by causing tetanie fixing of the respiratory museles."

Lord CAMPBELL.—It ought to be known that there are various other entries in it.

Mr. *Serjeant Shee*.—Yes; we shall have an opportunity, my Lord, of showing that to the jury before we have done.

Mr. DANIEL SCULLY BERGEN sworn.—Examined by Mr. *Attorney-General*.

Are you Inspector of Police? I am Chief Superintendent of the Rural District.—Did you search the prisoner's house? Yes.—Did you find that book (*handing the second book to the witness*)? This book was found in the prisoner's house.—Amongst his other books? The search commenced on the Sunday, the 16th of December, and continued on the 17th.—When did you find that book? Either the 16th or the 17th.—Was it found amongst his other books? It was.

Mr. *Attorney-General*.—This, my Lord, we have shown to be in the prisoner's handwriting; there is a long series of medical memoranda, and then there is an entry on the subject of strychnia; it is merely to show that his attention had been called to strychnia.

Mr. *Serjeant Shee*.—And a vast number of other things.

Mr. *Attorney-General*.—Yes, this among others: "Nux vomica seeds of strychnins like an orange." Some of it I do not quite understand: a certain quantity of seed "contains 34 grains of strychnia; one grain will give a bitter taste to 80 pounds of water." There are some medical hieroglyphies which I do not understand. "It reddens bruchsia." Then there is this: "One grain of strychnia is equal to six grains of bruchsia;" then there is the same note as is found in the frontispiece of the other book, "It kills by causing tetanic contraction of the respiratory museles."

Lord CAMPBELL.—He might have copied some article in the *Encyclopædia* upon strychnia.

Mr. *Attorney-General*.—Very likely.

Mr. *Serjeant Shee*.—Your Lordship will see that it is upon this page, and there are a great many other pages of continuous writing: I understand my learned friend does not mean to suggest—

Mr. *Attorney-General*.—I do not at all suggest that it was put there for a particular purpose, but merely that as part of his medical knowledge he was acquainted with the properties of strychnia and the mode in which it operated upon the human frame.

Mrs. JULIETTE ELIZABETH HAWKES sworn.—Examined by Mr. *Huddleston*.

Do you keep a boarding-house at 7 Beaufort Buildings, Strand, London? Yes.—Do



you know Palmer, the prisoner? Yes.—Was he at your house on the 1st of December last? He was.—Did he ask you to buy anything for him? He asked my porter.—Did you hear him ask the porter? No, I did not.—Had you any conversation with Palmer yourself? I had.—What took place? Not on that day.—On any day? Yes.

LORD CAMPBELL.—When? On the 19th of November.

Mr. *Huddleston*.—Did you purchase any game, or fish, or turkey? I did.—When was that? On the 1st of December.—What was it that you purchased? A turkey, a brace of pheasants; I also purchased fish.—Anything else? Nothing else.—What did you do with it? I packed it up in a hamper.—Did you speak to Mr. Palmer about it? I did not.—Had you no conversation with Mr. Palmer about it? Not on that day.—On any day had you any conversation with Mr. Palmer about the things which you put in the hamper? No.—Not at any time? No.—How came you to buy those things? By order.—By order from whom? From Mr. Palmer to our porter.—Did you hear Mr. Palmer speak to the porter? I did not.—What is the name of the porter? Frederick Slaek.—Where is he? At my house.—Is he at your house now? Yes.—You say you packed these things up in a hamper: just say yes or no, did you send them anywhere? Yes.—Did you direct them? I directed them.—Who gave you the direction? The porter.—What did you do with the hamper after you had directed it? The porter took it to the station.

LORD CAMPBELL.—You desired the porter to take it to the station? I desired the porter to take it to the station.

Mr. *Serjeant Shee*.—You did not take it to the station?

Mr. *Huddleston*.—You gave it to the porter? I gave it to the porter.—Who paid you for those things? I have not been paid.—At that time was Palmer staying at your house? He came up that day.

LORD CAMPBELL.—Which day? The 1st of December.

Mr. *Huddleston*.—Did you tell Mr. Palmer what you had done with the hamper? I did not see him.—You have not seen him? No, not since.—What was the direction which you wrote on the hamper? Mr. Ward: "W. W. Ward, Esq."—Where? Staffordshire; I think it was Burton-upon-Trent, or Stoke-upon-Trent; Stoke-upon-Trent, I think.

LORD CAMPBELL.—Then this as it stands does not at all affect the business?

Mr. *Attorney-General*.—No, my Lord; we will send for the porter.

Mr. GEORGE HERRING sworn.—Examined by Mr. *Welsby*.

Where do you live? 3, Albert Terrace, New Cross.—What are you? I am independent.—Did you know the deceased Cook? Yes.—How long? About two years.—Did you meet him at the Shrewsbury races last November? I did.—Did you see him there on every day of the races. I did.—I believe you put up at the Raven? I did.—Did he appear to be in his usual health? I should think so.—What was the latest time on the Wednesday at which you saw him? about 7 o'clock was it not? Between 6 and 7.—Had you a private room along with Fisher and others? I had.

LORD CAMPBELL.—You and Mr. Fisher, and who else? Mr. Read and Mr. Jones.

Mr. *Welsby*.—Mr. Thomas Jones? Mr. Thomas Jones.—Was it next to the private room occupied by Cook and Palmer? Yes, divided by a partition.—Did you see Cook on the Thursday morning? Yes.—Had he any money then in his possession? Not that I know of at that time.—Did you on that day see him with money? No.—Did you at any time at Shrewsbury see him with money? Yes.—When, on which day? On the Wednesday.—What kind of money? Bank of England notes, and other notes, country notes; he was counting them up, he was spreading them on the table.—Were you able to ascertain at all the amount? No.—Not at all? Not at all.—Were there a considerable number of notes? There were a considerable number.—Did he show you at Shrewsbury his betting-book? Yes.—Did it contain entries of bets made upon the Shrewsbury races. Yes.—Did you cast up?

Mr. *Serjeant Shee*.—I do not think we can have the contents.

LORD CAMPBELL.—The last account we have of it is that it was in Mr. Palmer's possession.

Mr. *Serjeant Shee*.—I do not think there is any proof of its ever having been in Mr. Palmer's possession.

Mr. *Attorney-General*.—We show that it was in the dead man's room on the Tuesday night before his death, and Mr. Palmer is afterwards seen looking about; we have no one else, my Lord, that we can resort to.

Lord CAMPBELL.—I do not think we can receive this evidence.

Mr. Attorney-General.—Very well, my Lord.

Mr. Welsby.—Did you on Monday the 19th of November receive a letter from Mr. Palmer? I did.—Have you that letter here? Yes.—(*The witness produced the same.*)

Mr. Straight.—This is a letter marked "F." It is a letter, my Lord, signed "William Palmer," dated "November 18th, 1855." There is no address:—"Dear Sir,—I shall feel much obliged if you will give me a call at 7, Beaufort Buildings, Strand, to-morrow (Monday), about half-past 2, and I am, dear Sir, yours truly, William Palmer."

Mr. Welsby.—In consequence of that, did you on the following day go to that place according to the appointment? I received it on the Monday, and I called there on that day.—Did you find Palmer there? I did.—I believe he asked you to have some brandy-and-water? He asked me what I would take.—Did you take some brandy-and-water? No.

Lord CAMPBELL.—At what time of the day did you go? At half-past two exactly.—He asked you what you would take? Yes.

Mr. Welsby.—What then; what did you say? I declined to take anything.—What was said next? I then asked him how Mr. Cook was.—What did he say? He said, "He is all right."—Anything more? "The physician gave him a dose of calomel, and advised him not to come out to-day, it being a damp," or "wet day;" I do not know which term he used.—What was said next? "What I want to see you about is settling his account."—Palmer said that? Palmer said that; it was all one sentence.—Had he anything in his hand when he said that? While he was saying it he was taking out half a sheet of note paper, and he was holding it in his hand while he finished the sentence.—Go on? He said, as he held the paper in his hand, "This is it." I rose to take it; he said, "You had better take it down, this will be a check against you.—Did he hand you some paper to take it down upon? At the same time pointing to some paper that was lying upon the table.—Did you write upon that paper? I did.—From his dictation? From his dictation.—Have you here the paper which you so wrote? I have.—Will you read it? Shall I read it, my Lord, as Mr. Palmer dictated it to me, or as I put it down myself?

Lord CAMPBELL.—As he dictated it? He said, "Receive of Iugham 350*l.*, Barr 300*l.*, Green 140*l.*, Morris 200*l.*, Nelson 30*l.*;" then he asked me how much I made that; I said, "1020*l.*;" he said, "Pay yourself 6*l.*, and Shelly 30*l.*; and if you see Bell, tell him that Mr. Cook will come up on either Thursday or Friday, and settle with him himself; how much does that make it?" I deducted 36*l.* from 1020*l.*, and said it was 984*l.*; he said, "That is what Cook makes it: if I give you 16*l.* it will make 1000*l.*; out of that pay yourself for my bill." I stopped writing and looked up; I said, "Your bill! I know no difference between the two bills:" he said, "Pay Padwick 350*l.*, and Pratt 450*l.*, making 1000*l.*."

Mr. Welsby.—Is that all that is written upon the paper? There are two addresses on it: he wrote Padwick's address, "H. Padwick, Esq., 2, Hill Street, Berkeley Square;" the other was Mr. Pratt's, "5, New Street, May Fair;" that I wrote myself.—At his dictation? Yes; it was where I was to send the money to, as I said I did not know their addresses.—Did he say anything further to you as to how or when you were to send to Pratt and Padwick? He then said, "You had better write out a cheque for Pratt and for Padwick; fill up a cheque for Padwick and Pratt, and send them at once: I told him that I had only one blank cheque in my pocketbook: he said, "You can easily fill it up on half a sheet of paper," or "on a piece of paper."

Mr. BARON ALDERSON.—Fill up what? A blank cheque.—Another cheque? There were two; one for Pratt and one for Padwick: I had only one blank cheque: I refused to do so, as I had not received the money.

Mr. Welsby.—What did he say then? He said it would be all right, as Cook would not deceive him.—What more did he say about the payment to Pratt and Padwick? He wished me particularly to pay Mr. Pratt the 450*l.*: his words, as nearly as I remember them, were, "You must pay Pratt the 450*l.*, as it is for a bill," or "joint bill of sale on the mare:" I do not recollect which he said, whether a bill or a joint bill.—What more did he say; anything as to going to Pratt and Padwick? He told me that he was going round to see both Mr. Pratt and Mr. Padwick, and would tell them that I would send it on.—Did he then inquire into the account between you and him? Previous to mentioning that, I remarked that, if he would tell me their addresses, I would call after leaving Tattersall's, and leave the amount of money with them: he said, "You had better send them a cheque.—Did he inquire into the state of your account? Yes.—What about it?



He asked me what there was between us; he said, "What is there between us?" I said, "45/," he said, "You owed me 40/ on the Liverpool meeting;" I said, "I will settle that with Mr. Sargent;" I was to settle it with Mr. Sargent, I think I said; I do not know which.—Go on? He said, "But you have not settled it yet, as I have done that with him."—What did you say to that? He went on, "Therefore, if I give you 5/., that will be right."—What did he do? At the same time he took out of his pocket a 50/ note.—A Bank of England note? A Bank of England note.—You were not able to give him change, I believe? He required then 29/ out of the 50/ note, and I was not able to give him change.—What did he do then? He told me that if I would give him a cheque, it would be the same thing.—What did you give him? I gave him a cheque for 20/., and nine sovereigns.—I believe you put that 50/ note with other notes of the same amount which you had in your possession? I believe I had two other 50/ notes.—You do not know the number or date? I do not.—When you were going away, did he say anything more about the cheques to Pratt and Padwick? Not that I can remember at present.—About sending the cheques immediately? He pressed me to send them immediately; he said that if I sent them immediately, it would be before the closing of the Bank, or before Bank time; he made some remark of that kind.—Did he say anything to you about sending word to Cook in the country as to what you had done with reference to the settlement of the account? He said, "When you have settled this account, write down word to either me or Cook.—Was that the first instruction which he gave you in that respect to send to him or Cook? The first instruction, and I was then going out of the room.—Did he say no more than that about sending down? I turned round and said, "I shall certainly write to Mr. Cook."—What made you say that? Because I thought I was settling Mr. Cook's account.—Did you say that in answer to anything that Palmer said? In answer to his having stated, "Write down word to either me or Cook."—Had you ever settled an account for Cook before? There was more conversation passed.—What more? He said, "It does not much matter which;" and I said, "If I address Mr. Cook, 'Palmer, Rugeley, Stafford,' it will be correct, will it not?" He said, "Yes."—After leaving that place (Beaufort Buildings), did you go to Tattersall's? I did.—What moneys did you receive there on Cook's account? I received all, except 110/ of Mr. Morris, who paid me only 90/ instead of 200/.—Did you send from Tattersall's a cheque for 450/ to Pratt? I did.—Did you post a letter to Cook from Tattersall's?—I did.

Lord CAMPBELL.—Addressed to him? Addressed as I have mentioned.—To Cook? Yes.

Mr. Welsby.—On the next Tuesday, the 20th, did you receive a telegraphic message? I did.

Lord CAMPBELL.—That is the next day?

Mr. Welsby.—Yes, my Lord. (*To the witness*) Have you got that here? I have not.—What has become of it, do you know? I gave it to Captain Hatton on the coroner's inquest at Rugeley.

Mr. Welsby.—Captain Hatton states that he handed it to the coroner, my Lord, and that he has not got it back. (*To the witness*) In consequence of receiving that message, did you write again by post to Cook that day? Yes.—Did you address that letter as before? I did; I believe that letter was not posted till the Wednesday.—Have you some bills of exchange? I have.—Three? Yes.—Do you know Palmer's handwriting? I do.—Just look and tell me whether the signature to that one, and the acceptance to the other two, are in Palmer's writing?

Lord CAMPBELL.—You mean that he drew one.

Mr. Welsby.—He drew one, my Lord, and accepted the two others.

When I say I know Mr. Palmer's handwriting, I have never seen him write himself.—Have you corresponded with him? The only letter I ever received is the one handed in at the present time.—Do you know Cook's handwriting? I do.

Lord CAMPBELL.—Do you prove the handwriting of Palmer?

Mr. Welsby.—No, my Lord, not of Palmer, but of Cook.

Lord CAMPBELL.—Then I must strike that out.

Mr. Welsby.—Are the signature to two of the bills, and the acceptance of the third, in Cook's handwriting? I believe so; but I am no judge of handwriting.

Lord CAMPBELL.—Have you seen Cook write? Yes.—Do you believe that to be his handwriting? I do.

Mr. Welsby.—From whom did you get those bills? From Mr. Fisher.—Did you give him cash for them? I did.

Mr. JOHN BOYCOTT called again.

Mr. Welsby.—Look at those bills, and tell me whether the signature “William Palmer” to one of them, and the acceptance to the other two, are in Palmer’s handwriting, the prisoner’s? Yes.

Mr. Welsby.—That which Cook accepts is drawn by Palmer, and those which are drawn by Cook are accepted by Palmer. My Lord, they are all dated Tuesday the 15th of September, 1855; each of them is for 200*l.*; one at a month’s date, and the other two at 2 months’; each of them payable to the order of the drawer.

Mr. GEORGE HERRING called again.

Mr. Welsby.—When the one month bill became due, which would be on the 18th of October, did Cook pay you any money in part discharge of it? He did within a week.—How much? 100*l.*—Did he afterwards at Shrewsbury pay you the rest of that 200*l.*? He paid me the remaining 100*l.*

Mr. Attorney-General.—On which bill was that? On the first bill.

Mr. Welsby.—That is the one drawn by Palmer and accepted by Cook.

Lord CAMPBELL.—On which day at Shrewsbury? I cannot tell.—Can you tell the day of the month? It was either on the Wednesday evening or the Thursday morning.

Mr. Attorney-General.—At the Shrewsbury races? At the Shrewsbury races.

Mr. Welsby.—Is either of the other two bills the 200*l.* which Palmer mentioned that you were to pay out of the 1020*l.*? I suppose so.—Did you deduct that amount out of the money which you received? I did.

Lord CAMPBELL.—The 400*l.*? The 200*l.*—There were two bills? There were three for 200*l.* originally.—Cook paid you one, and then there were two of 200*l.* each remaining? Mr. Palmer told me to deduct one of the bills for 200*l.* out of the sum which I received for Mr. Cook.—I supposed that the other two, each for 200*l.*, Palmer meant to pay out of the 1000*l.*? No.

Mr. Welsby.—Your Lordship will remember that there was on the paper written by the witness at Palmer’s dictation, “Pay yourself my bill 200*l.*”

Lord CAMPBELL.—That is only one.

Mr. Welsby.—You still hold the other, and claim upon it, I suppose? No.—What then? I did not pay Mr. Padwick the 350*l.* which Palmer told me.—Had you another bill for 500*l.*? Yes.—Have you it here? Yes.

Lord CAMPBELL.—You are now introducing another bill.

Mr. Welsby.—Yes, my Lord, for 500*l.*

Lord CAMPBELL.—Beyond the three?

Mr. Welsby.—Beyond the three.

*(The bill was produced and handed to Lord CAMPBELL.)*

Mr. THOMAS SMYRNE STRAWBRIDGE sworn.—Examined by Mr. Welsby.

What are you? The Manager of the Bank at Rugeley.

\*Lord CAMPBELL.—This is a bill dated the 5th October, 1855, purporting to be drawn by William Palmer on Mrs. Sarah Palmer, and endorsed by William Palmer and J. Parsons Cook.

Mr. Welsby.—Will you look at that bill: do you know the prisoner’s handwriting? Yes.—Do you believe that the signature to that bill is the prisoner’s handwriting? I do.

Lord CAMPBELL.—Both the drawing and the endorsement? Both the drawing and the endorsement.

Mr. Welsby.—It purports to be accepted by Sarah Palmer, does it not? It purports to be accepted by her.—Do you know the handwriting of Sarah Palmer, the prisoner’s mother? I do.

Mr. Serjeant Shee.—I apprehend, my Lord, that this is not evidence against the prisoner.

Lord CAMPBELL.—Why not?

Mr. Serjeant Shee.—It has nothing to do with the subject of this inquiry, my Lord.

Lord CAMPBELL.—It may have a great deal to do with it: I am most anxious to exclude everything which has no bearing upon it.

Mr. Serjeant Shee.—I am quite sure that your Lordship is: I do not see what bearing it has upon this inquiry by whom “Sarah Palmer” was written upon that bill.



Mr. *Attorney-General*.—It has this most important bearing; I do not know whether your Lordship will think it necessary to discuss it.

Lord CAMPBELL.—We are all of opinion that it is admissible.

Mr. *Welsby*.—You say you know the handwriting of Mrs. Sarah Palmer, the prisoner's mother? I do.—By what means do you know her handwriting? I have seen her write.—Had she an account at your bank? She had.—Have you paid cheques purporting to be drawn by her? I have.—Do you believe that to be her handwriting? I should say certainly not.

Mr. *Welsby*.—Your Lordship has taken the particulars of the bill, I think: it is for 500*l.* at three months, dated 5th October, 1855.

Mr. GEORGE HERRING called again.

Mr. *Welsby*.—That bill is also endorsed by Cook, is it not? Yes.—Is that Cook's handwriting? I am sure of it.

Lord CAMPBELL.—“J. Parsons Cook;” “Parsons” at full length? Yes.

Mr. *Welsby*.—In every case of these bills it is “J. Parsons Cook,” my Lord. (*To the witness*) Do you know in what way Cook used to sign his name? Not for certain.—From whom did you get that 500*l.* bill? From Mr. Fisher.—What money did you pay for it; and to whom? I paid 200*l.* to Mr. Palmer, and 275*l.* to Mr. Fisher.—The 25*l.* was discount, I suppose? Yes.—It was not paid at maturity, I believe? No.—I believe you have taken proceedings against the prisoner upon it? I have.

Lord CAMPBELL.—When? I cannot say exactly.—Nearly when? Within the last month.

Cross-examined by Mr. *Grove*.

You used an expression that when Palmer said “Pay yourself the 200*l.* for my bill,” you answered “I know no difference between yours and his”? “I know no difference.”—“Between yours and his;” that is, “your bill:” did you know that they had had transactions together as partners?

Mr. *Attorney-General*.—Stop; what particular transaction?

Mr. *Grove*.—If he does not answer it I cannot go further.

Lord CAMPBELL.—Do you know that, whether they had had any joint transactions? I do not.

Mr. *Grove*.—Why then did you use that expression, “I know no difference between yours and his”? I received the bills all at once, and knew no difference between them.—Do you mean that both the names were on all the bills; is that what you mean? Yes.—You stated that you were with Palmer at Shrewsbury on the Wednesday evening, I think it was; did you know of several people being ill the following day? What day are you speaking of?—Were you there on Wednesday? I was.—On that day did you know of several people being ill? Yes.—What was the nature of the attack? Speaking of myself it was a kind of diarrhœa.—Vomiting and sickness? Not myself.—I am not speaking of yourself, but of others who were ill? Not that I know of.—You were not ill yourself, I believe? I was.

Mr. BARON ALDERSON.—He says he had the diarrhœa.

Mr. *Grove*.—What was the nature of your attack? Diarrhœa.—Where did you put up at? At the Raven Inn.—You took your meals there? Yes.—Did your companions also have their meals at the Raven? Yes.—Were they ill? No.—Not any of them? There was no one ill that stopped in the house, but there was one gentleman who came there and dined with us one day; he was unwell.—Did you dine every day at the Raven? How many days were you there? I arrived there on the Monday night, and I left on the Friday morning, I believe, and I dined every day there.—Did you dine there on the Tuesday? Yes.—Palmer did not dine with you that day, I believe? Nor any other day.—You saw Cook on the race-course? I did.—More than once, I believe? Several times.—In what state was the ground? It was very wet and damp.—Did you state that to Cook; did you remonstrate with him about his standing on the damp ground? Yes, on the Thursday morning; that was after he had been taken ill on the Wednesday night.—How late did you see Palmer in London on the Monday that you have been speaking of? I arrived there at half-past 2, and I left, as nearly as possible, at a quarter past 3; that was the last I ever saw of Mr. Palmer; I was with him three-quarters of an hour.

Re-examined by Mr. *Attorney-General*.

Were any of your party at the Raven besides yourself ill? None of our party.—None of your party at the Raven were ill that you are aware of, except that you had diarrhœa

and Cook had vomiting? I knew nothing about Mr. Cook's complaint; I was ill in bed myself.

Mr. BARON ALDERSON.—And the gentleman who came to dine with them?

FREDERICK SLACK sworn.—Examined by Mr. *Huddleston*.

Are you the porter at Mrs. Hawkes's boarding-house in Beaufort Buildings? I am.—Do you remember Palmer being there on the 1st of December? I do.—Did he give you any directions? He did.—What did he say to you? He wished me to get a basket of game for him; he gave me the direction to put on it, directed to "Mr. W. Ward, Stoke-upon-Trent, Staffordshire."—Did he tell you where to get the game? Where I pleased.—Any fish? A cod-fish.—And what else? A barrel of oysters, a brace of pheasants, and one turkey.—Did he say anything about them besides that? He did not wish this gentleman to know where they came from.—Where did he give you the direction? In our coffee-room.—Did you see him write it? I did.—Did you give the message to your mistress, Mrs. Hawkes? I did.—I believe she got the turkey and the pheasants, and the cod-fish and the oysters, and packed them in a hamper? No; she got the turkey and the pheasants, and I got the oysters and the cod-fish.—Did she give you a hamper? I got the hamper.—What did you do with the hamper? I put the things all in.—After you had put them in what did you do with it? I sewed it up and took it to the railway.

Mr. *Serjeant Shee*.—Will Mr. Justice Cresswell be good enough to hand me the green book?

Mr. JUSTICE CRESSWELL.—Brother Shee, there is strong internal evidence of this book being kept by a person who was then a student (*handing the same to the learned Serjeant*).

*Adjourned to to-morrow at 10 o'clock.*

## FOURTH DAY'S TRIAL.

MAY 17, 1856.

GEORGE BATE sworn.—Examined by Mr. *James*.

What are you? I was brought up a farmer.—What are you now? I am not in business at all.—Do you know the prisoner William Palmer? I do.—How long have you known him? Eight or nine years past.—Now in September, October, and November of last year, during those three months were you in any employment of his? I used to see his lads did their duty in feeding his stock of horses.—You used to look after his stock? Yes, that they were attended to.

Lord CAMPBELL.—You used to see that the boys who had the care of his horses did their duty? Yes.

Mr. *James*.—Had you any pay for that? No stated salary; I used to receive money occasionally.—About what per week do you suppose you had? I really cannot say; some weeks I used to receive two sovereigns, and some one.—Where were you living? In Rugeley.—What house did you live in? I lodged in Rugeley.—What might you have paid for your lodging per week? Six shillings and sixpence per week.—Are you a married man? No.—Did you know John Parsons Cook, the deceased? Yes.—Do you remember about September seeing him at the prisoner's house? Yes, I have no doubt I did see him in September last.—Somewhere about the 8th of September. I could not fix the date; but I have certainly seen him there in September.—Did you see him at dinner at the prisoner's? I dined with him I believe in the month of September at Mr. Palmer's; I have occasionally gone to dine with Mr. Palmer.

Lord CAMPBELL.—Then you sat at table with him? Of course.

Mr. *James*.—Do you remember either during dinner or after dinner anything being said about an insurance to be proposed on your life? After dinner I do.—In Mr. Palmer and Mr. Cook's presence? Yes.—What was said about it, and who began the conversation? I cannot say; it was either Mr. Cook or Mr. Palmer, but which I cannot say.—Tell us, to the best of your recollection, what was said about it?

Mr. *Serjeant Shee*.—Does your Lordship think this matter is relevant to the inquiry, this being two months before the alleged offence, and being a totally different transaction.

Lord CAMPBELL.—We cannot at present say the questions are not relevant. What do you propose to prove by this evidence, Mr. *James*?



Mr. *James*.—That a proposal was made; that it was put before the witness to sign; that it was attested by Mr. John Parsons Cook; and then we go on to show what was done with this insurance: it was not taken, and we carry it down to November.

The *Attorney-General*.—I stated it as affording one amongst other motives for that which is charged to the prisoner, and also as showing the position in which he was placed at that time pecuniarily. It is an insurance fraudulently effected for the purpose of raising money upon it.

Mr. *Serjeant Shee*.—Insurances are not effected without paying heavy premiums.

The *Attorney-General*.—That is one of the circumstances, it shows it was a fraud.

Mr. BARON ALDERSON.—Do you show that the insurance was for Palmer's benefit or by Palmer?

The *Attorney-General*.—We are going to show the whole of this was drawn up in Palmer's writing; the object being, as appears from the correspondence with Mr. Pratt, to get an insurance for Palmer's benefit.

Lord CAMPBELL.—You are going to show it was a fraud.

The *Attorney-General*.—Certainly, my Lord, and Mr. Cook knew it, for he signed the paper.

Lord CAMPBELL.—On the Attorney-General's opening I doubted whether this would be relevant and proper evidence to be received on this trial; and, upon consideration, my brothers agree with me it is too remote to be admissible.

Mr. *James*.—Do you remember the death of Mr. Cook at the Talbot Arms? Yes.—Do you remember the inquest being held? Yes.—Now, do you know William Webb Ward, the Coroner? Yes.—Did you see the prisoner on the evening of the 8th of December while the inquest was being held? Yes.—Just look at this letter; this is the letter to the Coroner which was read yesterday (*a letter was handed to the witness*); it is introductory to another matter; did Palmer, the prisoner, give you a letter? I believe he did; he gave me a letter.—Look at that carefully; is that the letter? Yes it is.—What did he tell you to do with it? To go to Stafford and give it to Mr. Ward.

Lord CAMPBELL.—About what time of the day was that? Between 9 and 10 in the morning.

Mr. *James*.—At the time he gave you that letter to take to Mr. Ward the Coroner, did he give you a letter directed to a man of the name of Frantz, a dealer in game? Yes.—Is he a dealer in game in Stafford? Yes.—When the prisoner gave you that letter to Frantz, did he tell you what you were to do with any game or any orders you were to give? He told me there would be a package of game; I was to direct it to Mr. Ward and send it to him.—You mean a package of game from Frantz? Yes.—Did he say anything to you about—if anything was said about it? Nothing more than that I should have the game from Frantz and I was to send it to Mr. Ward.—Did you get a basket of game from Frantz? Yes.—Upon the order that the prisoner had given you? Yes.—What did you do with it? I directed it to Mr. Ward, and sent it to him.—Where was it directed to? "Webb Ward, Esq., Coroner, Stafford."—Did you direct it yourself, or did Frantz the game-seller direct it? I will not take my oath whether it was not "Ward, Solicitor, Stafford."—Now did you direct it yourself? I directed it from what Palmer told me; that I should have some game, and that it was to be sent to him.—After you had directed this game to Mr. Ward the Coroner, where did you deliver that to him? I gave a man threepence to take it.—Did you afterwards go to the Dolphin Inn, at Stafford? Yes.—Did you deliver the letter you had in your pocket to Mr. Ward himself? Yes, I believe I did.—Where did you find him? At the Dolphin.

Lord CAMPBELL.—The Dolphin in Stafford? Yes.

Mr. *James*.—You found him at the Dolphin? Yes.—Where was he sitting at the Dolphin? In the smoking-room.—Where did you deliver the note to him? I told him I wanted to speak to him, and he followed me out into the yard or passage, and I gave it to him there.—Why did you call him out? Were there any other people there in the room where he was? Yes.—Why did you call him out then to give him the letter in the passage?

Mr. *Serjeant Shee*.—I do not know we can have this: had you any directions from the prisoner as to how you were to deliver the letter to him? No, decidedly not.

Lord CAMPBELL.—In the smoking-room there were other persons; you took him into the yard and delivered the letter? Yes.

Mr. *James*.—Did you see the prisoner again when you went back to Rugeley that night? Yes.—Did you tell him what you had done? Yes.—What did you tell him?

I told him I delivered the letters I took to Stafford that day, and that I sent the game.—Now do you remember Thursday the 10th of December? I do.—On that day were you sent for to the prisoner's house? Yes.—About what time? It was early in the morning.—About what hour? I think it was about 12 o'clock, about mid-day.—Did you go to his house? Yes.—Where did you find him? In bed.—What did he say to you? He wanted me to go to Stafford.—Tell me, as near as you can, the words that he used; what did he say? He wanted me to go to Stafford "to take Webb Ward a letter," and to "take care no one saw me give it."—What else did he say to you? I was to "take care no one saw me give it him."—Now did he say anything to you about getting any money? On the Saturday he had; I went to a man who took him some money in Stafford.—But on this occasion did he say anything about getting some money from a person of the name of Thirlby, or Ben? Yes, before I set out that day.—What did he say to you? "Go to Ben and tell him he wanted the 5*l.* note."

Lord CAMPBELL.—Who wanted it? Palmer.—He said, "Go to Ben and tell him I want the 5*l.* note"? Yes.

Mr. James.—Who is Ben? I took it to be Mr. Thirlby, his assistant.—Benjamin Thirlby? Yes.—Just go on: "tell him I want the 5*l.* note"? "That I have no small change;" and I believe then he asked me to look in a drawer in the dressing-glass that stood on the table, and he said, "Tell me the amount of the bill, George;" I looked in, and there was a 50*l.* Bank of England bill.—What did you do with it? I left it there.—Was this before he gave you the letter to take to Mr. Ward? Yes.—Now, having found that note there and left it there, did you go down stairs? I went to Thirlby's house.—For the 5*l.*? I went to Thirlby for the 5*l.*—Did you get the note from Thirlby? I got a 5*l.* note on a local bank which, I believe, was Bridgenorth.—What did you do with it? I took it to Mr. Palmer's.—When you took that note back to him did he then give you the letter which you were to take to Mr. Webb the Coroner? I went down stairs.—When you went down stairs what was Palmer doing? He was sitting in the room.—Where were the writing things? On the bottom of his bed.

Lord CAMPBELL.—Where was he? He was still sitting up in bed.

Mr. James.—How long did you remain down stairs; about how long? About half an hour.—Where did you remain? In the yard or the kitchen.—When you went up again what happened? Palmer asked me what was the amount of the bill which was in the drawer; I just looked at the drawer, and there was the same bill which I believe I left there; then he gave me the letter to go to Stafford.—A letter sealed or wafered? I could not swear which.—Where did you deliver that letter? Between the railway station and an inn called the Grand Junction.—Was that where you found Mr. Ward? I observed him go through the room in the station and gave it to him on the flags.—When you gave the letter to Mr. Ward what did he do with it? I believe he crumpled it in his hand and put it in his pocket.—Did he read it in your presence? No.—He did not open it? Not in my presence.—Did you tell Mr. Ward from whom you had brought it? I believe I did.—Did you go back to Rugeley after having done this? Yes.—Did you see the prisoner again that evening? Yes.—What did you tell him after you went back? I told him I had given Mr. Ward the letter.—Did he make any remark to you? No, I think not.

Cross-examined by Mr. Serjeant Shee.

You can tell me, I dare say, what was the establishment of horses belonging to Mr. Palmer at Rugeley; how many mares with foal had he, to begin with? I think there were four brood-mares, and four yearlings, and a three-year-old there.—Can you give me any notion of their value? I do not pretend to tell the value of the stock myself.—Do you know one of them sold for 800 guineas? I have heard so.—Were any of them in foal shortly before, or at the beginning of the month of November? I cannot say whether they were or were not; I should suppose there were some in foal.—The stables were at the back of his house, were they not? They were some short distance from his house.—At the back of it? Decidedly.—And the paddock at the back of the stables: is that so? The stables were at the paddock.—What quantity of ground had he there? I should think 21 or 22 acres.—Were these paddocks fenced in, or were they open to other fields, and, if fenced, how? The fences were live, growing hawthorn.—Do you remember, shortly before the month of November or in the early part of November, a mare called the Duchess of Kent slipping her foal? I remember the Duchess of Kent being there; we supposed she had slipped her foal, but we never could find it.—Was there a mare called Gold-finder's Dam? Yes.—Had she slipped her foal? Not that I am aware of.—Had any complaint been made about dogs going about the paddock? I think I once said to Harry, "The turf seems a good deal cut up here; how is it?"—Who is Harry? The groom.—What did you see on the turf that induced you to make that observation? I saw it cut up,



which I supposed to be with horses' feet, which they could not cut up without they galloped.—Did you attribute that to anything? I attributed it to the mares galloping about.—Had you any reason to think they had been run by dogs? I never saw any dogs run them.—Did Harry keep a gun there? I have seen a gun there.—Did he keep a gun which belonged to his master for any purpose? I have seen a gun at the paddock.—Did it belong to his master? I cannot say.—Did you ever see it used? No.—Was it in a condition to be used: clean? I never had it in my hands to examine it; I saw it in the place where the corn was kept.—What is Harry's surname? Cockyue.—Do you know Inspector Field by sight? No; I saw a person who came to me, who they told me was Inspector Field after he went away.—When did that person come? I cannot take upon myself to say; it was the latter end of September or the beginning of October, or may be November.—He came to you, and told you he was Inspector Field? He did not.—A person came to you; did that person see Palmer? I cannot tell.—Did you see that person whom you say you saw first in September? I will not say whether it was September, October, or November.—Was he a stranger in Rugeley? To me he was.—Do you know where he put up? I did not know he put up at all.—Did you see him more than once at Rugeley? No, I did not.—Do I understand you, you did not know Field at all? I do not know Field.—Do you remember, when you went down stairs about this 5*l*. note, was there a sheriff's officer of the name of Gillard in the house? I saw Gillard in the yard.—Is he a sheriff's officer? I believe he is.—Did he see Palmer that day? I cannot say.

Re-examined by the *Attorney-General*.

You saw Gillard on the day you took the letter to Mr. Ward? Yes.—You say you saw the turf on some occasions cut up from horses having been running about there; when was that? I should say it must have been shortly after hay-harvest.—Was it as late as the month of November? I should think it was the latter end of September myself; but I could not say to a month which way it was.—Do you remember the time of Mr. Cook's death? Yes.—How long was it before that as far as you can say? I really cannot charge my mind.

Mr. THOMAS' BLIZZARD CURLING sworn.—Examined by the *Attorney-General*.

You are a Fellow of the College of Surgeons? Yes.—I believe you are surgeon to the London Hospital? I am.—Have you turned your attention particularly to the subject of tetanus? I have.—You have, I believe, published a work on that subject? Yes, I have.—We have been told in the course of this inquiry, and I will ask you whether that is correct, that tetanus signifies spasmodic affection of the voluntary muscles of the body? Yes.—How many sorts of tetanus are there, distinguishing one from the other? Of the true disease, two only: idiopathic and traumatic.—There are other sorts of tetanus besides those two? There are other diseases in which we see tetanic affection: we should not term them tetanus.—What is idiopathic tetanus, one of the two sorts you have mentioned? It is a primary disease; it is tetanus originating, as it were, as a primary disease, without any wound.—Apparently self-generating?

Lord CAMPBELL.—Traumatic is from a wound? Precisely so.

The *Attorney-General*.—From what causes, as far as you are aware, does idiopathic tetanus arise? From exposure to damp and cold; from the irritation of worms in the alimentary canal.—Is it a frequent disease in this country? No; a very rare one.—Where it does arise, does it usually end fatally? No.—In what proportion are the cases which end fatally to the general number of cases which arise? I am not able to answer that question, for I have never seen a case of idiopathic tetanus.—How long have you been surgeon to the London Hospital? 22 years.—In all that time you have never seen a case of idiopathic tetanus? No.—Cases of traumatic tetanus are more frequent? Much more frequent.—How many of them have you seen; I do not ask you the precise number, but, as near as you can tell, what is the average of those cases coming to the Hospital, or within your experience? I speak quite within compass when I say I have seen 50 cases; I believe 100 would be nearer the mark.—Will you tell us how the symptoms of traumatic tetanus first manifest themselves, and then go on to describe how the disease goes on? The disease first manifests itself by a stiffness about the jaws and the back of the neck; rigidity of the muscles of the abdomen usually sets in; a dragging pain at the pit of the stomach is almost a constant attendant of spasm of the diaphragm, and in many cases the muscles of the back are sensibly affected; then the spasms, though continuous, are liable to aggravation in paroxysms; as the disease goes on, these paroxysms become more frequent and more severe: when they occur, the body is drawn backwards; in some instances, though less frequently, it is bent forwards; then, in an acute case, a difficulty in swallowing is a very common thing; a difficulty in breathing also during the paroxysm, a choking sensation; the disease may end, supposing it

be fatal, in two ways: the patient may die somewhat suddenly of suffocation, owing to closure of the opening of the windpipe; or the patient may be worn out by the severe and painful spasms, and the muscles may relax and the patient gradually sink and die.—Tromatic tetanus is, I believe, generally fatal? Yes.—You have mentioned various symptoms, the locking of the jaw; is that an invariable symptom in tetanus from wounds? Almost constant; I mentioned, I think, the stiffness of jaw.

Lord CAMPBELL.—Then lock-jaw is a common symptom of traumatic tetanus. Yes.

The *Attorney-General*.—Is that the invariable symptom? Almost constant: I may say constant, in a greater or less degree; it is not always strongly marked, but generally so.—At what period of the disease does that show itself? It is an early symptom; I have omitted another symptom which is important: a peculiar expression of the countenance, very characteristic of the disease.—In what part of the countenance does that principally show itself? Generally throughout; I can describe it.

Lord CAMPBELL.—Is this peculiar to traumatic or idiopathic tetanus? I believe not; my observations are taken from traumatic cases.

The *Attorney-General*.—It shows itself through the countenance: what is the appearance; can you describe it? There is a contracted condition of the eyelids, a raising of the angles of the mouth, a contraction of the brow.—You have spoken of the body and of the head, but you have said nothing as to the extremities: in traumatic tetanus are the arms, legs, hands, and feet affected or not? The lower extremities are sometimes affected, and sometimes, but somewhat rarely, the upper: the muscles affected are chiefly those of the trunk.—When the muscles of the extremities are affected, at what period of the disease does that generally occur? It varies; sometimes when the wound is in the lower extremities the muscles of the extremities may be affected by that.—But suppose you have a wound on either the arm or the legs, at what period of the disease are they affected? Generally at an advanced period.—You have paid particular attention to the subject of traumatic tetanus; did you ever know or read of traumatic tetanus being produced from sore throat? No.—Did you ever know of its being produced from chancre? Never.

Lord CAMPBELL.—I do not know that particular species of thing can be insisted on.

The *Attorney-General*.—They have cross-examined upon that, my Lord, and we have received regular and formal notice that that is the case to be set up.

Lord CAMPBELL.—Then proceed in your own course.

The *Attorney-General*.—We have received fair notice that that is the case to be set up.

Mr. *Serjeant Shee*.—I am not aware of it.

The *Attorney-General*.—We have received from Mr. Smith a regular notice, directed to the Solicitor of the Treasury, stating that that is to be set up.

Mr. *Serjeant Shee*.—My learned friend has not received any notice from us that we attribute this to a wound.

The *Attorney-General*.—But it is attributed to a chancre and syphilitic sore throat; I must anticipate the case to be set up.

Lord CAMPBELL.—You are quite right; go on.

The *Attorney-General*.—In your opinion would any syphilitic sore, supposing it existed, lead to tetanus? I know of no instance; I think it is a very unlikely case.—There is another important point connected with the disease, which I wish to ask you about: how long, ordinarily speaking, does a case of traumatic tetanus, which ends fatally, take before that point is reached; before death ensues? It varies very much, from twenty-four hours to three or four days, or longer.—What is the shortest period which ever came to your knowledge in which the disease ran its course and ended fatally? Eight or ten hours; the real time could not be ascertained.—If I understand you, the disease when once commenced is continuous? Yes.—Did you ever know or hear of a case in which a man would be attacked one day, and then have twenty-four hours' entire respite and be attacked again the next? Never.—As far as your experience goes is it your opinion such a thing could be? No, I should think it was not tetanus.

Mr. *Baron Alderson*.—Not traumatic tetanus?

The *Attorney-General*.—No, my Lord. Idiopathic has not come under your notice. You heard the account given by Mr. Jones, the surgeon, of the death of the deceased man Cook? Yes.—Were the symptoms there consistent with any form of traumatic tetanus which has ever come under your knowledge or observation? No.—What distinguished them from the cases of traumatic tetanus which you have described? There was the sudden onset of the fatal symptoms; in all cases that have fallen under my notice the disease has been preceded by the milder symptoms of tetanus.—Gradually progressing to



their complete development and completion and death? Yes.—Did you hear also the description which was given by the woman Mills of what he went through on the Monday night? Yes.—In your judgment were those symptoms of tetanus? No; the absence of a continuity of symptoms between those two attacks.—I am speaking of tetanus generally?

LORD CAMPBELL.—The Attorney-General asks you if, according to the symptoms described by Elizabeth Mills, you think the occasion was tetanus? I have said no.—Not of any sort of tetanus? I mean the tetanus of disease.

The Attorney-General.—Are you confining yourself to idiopathic and traumatic tetanus?

LORD CAMPBELL.—This gentleman began by saying he only acknowledged these two sorts of tetanus, therefore this does not come within either.

The Attorney-General.—Assuming tetanus to be synonymous with spasmodic action of the muscles, was there in that sense tetanus on Monday night? No doubt there was spasmodic action of the muscles.—But there was not what you would call either idiopathic or traumatic tetanus on the Monday night? No.—Just state why? The sudden onset of the spasms and rapid subsidence.—The sudden onset and rapid subsidence are not in your opinion consistent with what you call the true form of tetanus? No.—Is there a form of tetanus also called hysterical tetanus? Yes, that is rather hysteria combined with spasms, or tetanic symptoms.—Does that sometimes end fatally? No, I do not know an instance of it.—It is confined for the most part to the female sex? I do not know an instance of a male; possibly there may be.—Do you know whether certain poisons produce tetanus? Yes.—What poisons are there which produce that effect? Nuxvomica.—Through its poisons the strychnia and the bruchsia, only the bruchsia is of a milder character? Yes.—Have you ever seen a case of human or animal life destroyed by strychnia? No.—What other poisons are there that produce that effect; have you ever seen any? No, I have not.

Cross-examined by Mr. Serjeant Shee.

You have mentioned your experience is confined to traumatic tetanus; have you known that description of tetanus arise from any disease of the spinal cord? Spasms I have known arise from disease of the spinal cord.—Would not any irritation of the spinal cord, the irritation of any of its afferent nerves, be likely to produce tetanus? It might.—Perhaps you will explain what you mean by *afferent*; I take it from a book? Nerves proceeding to the spinal cord.—You have stated your opinion that almost constantly traumatic tetanus commences by lock-jaw with greater or less violence or intensity: do you agree with this opinion of Dr. Watson, in his 'Lectures on the Principles and Practice of Physic,' "that in four cases, perhaps, out of five, tetanus begins with trismus or lock-jaw?" I think I do.—With reference to the causes which may produce all the symptoms of tetanic convulsions, do you agree with Dr. Watson, that it may arise from causes as slight as these, the sticking of a fish-bone, a slight wound of the ear by a musket-shot, the mere stroke by a whip-lash under the eye, from the cutting of a corn, from a bite on the finger by a tame sparrow, from the extraction of a tooth, from the operation of cupping, and simple things of that character? Except, perhaps, from the concussion of the musket-ball, I do; all except that.—With respect to the rapidity of its accession after the injury to which it may be attributed, do you know by your reading that a case occurred at Edinburgh where a negro-servant lacerated his thumb by a fracture of a china plate, and was instantly, while the guests were at dinner, seized with tetanic symptoms?

The Attorney-General.—I have taken some pains to ascertain how that case was got.

LORD CAMPBELL.—But this is not the mode in which a fact can be proved.

The Attorney-General.—I am prepared to meet that case if it is set up.

Mr. Serjeant Shee.—In your opinion could traumatic tetanus occur as shortly as a quarter of an hour after a slight injury? I know of no well-authenticated instance of that kind.—You told my friend you wrote a treatise on tetanus, which I see obtained the Jacksonian prize for the year 1834; did you inquire into this case before you gave it as an instance? I did.—"Another rapidly fatal case is mentioned by the late Professor Robertson of Edinburgh; a negro having scratched his thumb with a piece of broken china, was seized with tetanus, and in a quarter of an hour after the injury he was dead"? I referred to the authority as far as I could, but I did not find any reference to it except in the Encyclopædia; when I wrote that book I was a young man of twenty-two years of age; I have now maturer experience and greater judgment.

The Attorney-General.—I am prepared to show there never was a Professor Robertson at Edinburgh at that time; it is taken from Rees' Encyclopædia, and is found nowhere else.

Mr. *Sergeant Shee*.—It is impossible for me to cross-examine in such a case as this except from books; I do not complain of what has passed about it.—You say idiopathic tetanus has not come under your notice, although you are surgeon to the London Hospital; but I dare say you will tell us idiopathic tetanus would not be likely to bring the patient to the hospital as much as a sudden wound leading to traumatic tetanus? Not so likely, certainly.—In truth the idiopathic tetanus would possibly have come more likely in the first instance under the notice of a physician than a surgeon, would it not? Certainly.

Lord CAMPBELL.—Have you known any case of idiopathic tetanus in this country? Yes, I have heard and read of such cases.

Mr. *Sergeant Shee*.—Do not you know that very lately there was a case in the London Hospital in which tetanus came on so rapidly that it was referred to strychnia, and it was thought necessary to examine the stomach of the patient to see whether strychnia existed? I knew that before the history of the case was investigated.—Do you not know, the body being examined, no strychnia was found? I have heard so.—And do you not also know, on a full examination of the body, symptoms of old syphilitic ulcers on the arms were discovered? I do know that sores were discovered.

Lord CAMPBELL.—Did you superintend this case yourself? No, I did not, my Lord; it was not my patient.—Did you personally see the patient? No, it was only in the hospital half an hour.

Mr. *Sergeant Shee*.—Do you know who did? The house-surgeons, who are now in court.—Then I need not trouble you more about that case: you say that a syphilitic sore would not be very likely, in your opinion, to lead to tetanus, but might not the irritation of a syphilitic sore by wet, cold, drink, mercury, or mental excitement lead to tetanic symptoms? I do not think it is very likely; I think the irritation likely to lead to anything of that kind may be produced from friction, as in the case in the hospital to which you alluded; but syphilitic sores are not much exposed to friction, in the throat, I mean.—Would you class that sort of hurt, the friction from a sore, under the class of traumatic or idiopathic? The irritation from a sore would fairly justify the ease being termed traumatic.—It is impossible to classify everything under a particular class; those are terms conveniently and accurately describing the confines of the two diseases; there is no very distinct confine between the two? I hardly know the bent of your question.—Do not cases occur which it is difficult to class under the head of traumatic as distinguished from idiopathic tetanus? Very rarely.—I observe you class the irritation of the intestines under idiopathic; is that so? Yes.—And yet it can hardly be called self-generating, which is the characteristic of the idiopathic: is not epilepsy sometimes accompanied with tetanic convulsions and symptoms? Not tetanic convulsions.—By prolonged contractions; continuous contractions as contradistinguished from spasmodic? That is not the character of the spasms of epilepsy.—But of the contractions; are not the contractions of epilepsy sometimes continuous, so that the hand will be twisted into various forms, and remain rigidly fixed in those forms? Not continuously.—But for five or ten minutes together? I think not.—As to convulsions generally, without reference to wounds, does it not frequently happen that convulsions attributable to no cause, the trace of which cannot be found in the body after death by any disease or lesion of any kind, are known to have occurred in the most violent and spastic way, and to have exhibited the appearance of tetanic convulsions? No appearance of the kind has fallen under my observation.—Do you agree in this opinion of Dr. Copland, who is a considerable authority, in his 'Dictionary of Practical Medicine,' under the head of "General Convulsions:" "The character of the abnormal contraction of the muscles is in some cases of the most violent and spastic nature, frequently of some continuance, the relaxation being of brief duration, and scarcely observable, in others nearly or altogether approaching to tetanic?" Is this epilepsy?—It is under the head of "General Convulsions." I should rather speak from my own observation: I have not observed anything of the kind.—Is this definition of general convulsions correct in your opinion? [*The learned Counsel then read an extract commencing "Frequent and involuntary contraction," down to the words "uncertain intervals."*] It may be a correct definition; but one has to read over very carefully a statement of that kind before one can give it wholly one's sanction.—Does it not often happen that a patient dies of convulsions, spasmodic in the sense of their being tumultuous and alternating, and tonic in the sense of exhibiting a continuous rigidity, and yet after death no disease is found? Are you speaking of children or adults?—Of adults? I do not think it does often happen.—Does it sometimes? I know of no instance.—Do not you know from your reading and science, as a writer on tetanus, and a gentleman who has attended to this description of complaint, that that is so? I do not.—Is this true, I read it from your own book: "Tetanus is a functional disease of the nervous



system, that is to say, a disease unaccompanied with any perceptible lesion of structure, the nature of which, although essentially distinct from inflammation, is completely unknown, and there are, therefore, no morbid changes peculiar to tetanus and by which it can be recognised?" If your previous question, as well as this, had reference to morbid appearances, I have no hesitation in saying persons die of tetanus and other diseases without the morbid appearance after death.—In respect of general convulsions not so marked as to be properly classed as tetanic, does it not sometimes happen that they attack suddenly; that they are sometimes preceded by premonitory symptoms and sometimes not: do they sometimes happen suddenly without any premonitory symptoms, and sometimes are they preceded by premonitory symptoms? I do not think so; but I have not really observed the case.—I must ask you whether you agree in this: whether in convulsions not so marked as to be tetanic, they are not constantly preceded by nausea, retching, and vomiting, pain and distention of the stomach and flatulence of the stomach and bowels, and other dyspeptic symptoms? The class of cases you allude to do not come under my consideration as a hospital surgeon.—Do you know enough of it to know that general convulsions are often accompanied with yelling and shrieking? Yes, I think it is very likely.—And do you know also that they frequently terminate in death, and that the proximate cause of that death is spasms of the respiratory muscles, inducing asphyxia? No, I do not.—I am requested to ask you where are the paccionian glands; are they in the spinal sheath? No.—Where are they? In one of the vessels of the brain you will find them.

Re-examined by the *Attorney-General*.

These general convulsions, about which my friend asked you some general questions, are distinguishable from tetanus, properly so called, are they not? Yes.—Could a medical practitioner, who saw a case of general convulsions, be able at once, if a man of competent skill, to know the difference between such symptoms as those and of tetanus, which you have been talking of? Yes; there is generally loss of consciousness.—Is one of the characteristic features of tetanus that the consciousness is not affected? Yes.

Dr. ROBERT TODD sworn.—Examined by the *Attorney-General*.

You are a physician? I am.—How long have you been in practice? Twenty-five years.—You are a physician to King's College Hospital, and have been so for many years? Yes.—Do you also lecture on Physiology and Anatomy? I have done so.—Have you directed your attention to the disease called tetanus? Yes.—Have you lectured upon it? Yes.—And published your lectures, I believe? Yes; and the disease of the nervous system generally.—Do you agree with the last witness, Mr. Curling, in his definition of idiopathic and traumatic tetanus? Entirely.—Have you had any opportunity yourself of witnessing cases of idiopathic tetanus? I have seen two cases of what seemed to be idiopathic tetanus.—It is a rare thing, I believe, in this country? Very rare.

Lord CAMPBELL.—How do you define idiopathic tetanus? I define idiopathic tetanus to be that form of tetanus which is produced without any external wound, and apparently from internal causes; from a constitutional cause.

The *Attorney-General*.—You would not include in it, I presume, a case of tetanus resulting from poison? I think myself that the term tetanus ought not to be applied to cases of poisoning, for the symptoms are so essentially distinct from the disease.—Would you call those symptoms tetanic symptoms? I would designate them tetanic, in order to distinguish the character of the convulsions.—Have you had, under your own observation, cases of traumatic tetanus? Yes.—Except that cases of traumatic tetanus arise from some lesion of the body, are the symptoms much the same in cases of idiopathic tetanus and traumatic tetanus? Precisely the same.—How does the disease usually begin? It begins with stiffness, as Dr. Curling described it, about the jaw.—Do the symptoms then extend themselves to the other muscles of the trunk of the body? Yes.—Do they come in, in the first instance, in the more aggravated form, or do they begin and gradually develope themselves? They gradually develope themselves.—When once the disease has begun is there any intermission? There are remissions, but I should say not complete.—A remission of the severity? A diminution of the severity of the symptoms.—But not a total subsidence? The patient does not express himself as completely well, and quite comfortable, and at ease; I speak from my own experience solely.—As far as your knowledge goes, what is the usual period which the disease takes from its commencement to its termination? I think the cases may be divided, in that respect, into two classes; there is an acute class and a chronic class; the acute cases will terminate in the course of three or four days, the chronic cases will go on from nineteen to twenty-two or twenty-three days, perhaps even longer.—What is the shortest case you ever knew of? I do not think I have ever known a case within four days in my own experience, but I know some cases are related.—I omitted to ask you in these cases of tetanus, properly speaking,

are the extremities affected as well as the muscles of the body? The extremities are affected, but not so severely as the muscles of the trunk or the abdomen.—At what stage of the disease does the affection of the extremities come on? Late.—The trismus, the locking of the jaw, is that an early or a late symptom? Early.—Does epilepsy produce tetanus or tetanic symptoms? No; sometimes epilepsy will produce convulsions, and sometimes the convulsions from epilepsy assume somewhat of a tetanic character, but they are essentially distinct from tetanus.—Will you state in what they are different, that we may get rid of any confusion on that ground? When the epileptic convulsions assume somewhat of the tetanic form it is quickly over, not continuous.—How is the consciousness of the patient affected in epileptic convulsions? In epilepsy there is an abolition of consciousness for the time.—Is that a general distinguishing feature? It is a decided distinguishing feature of epilepsy.—As distinct from tetanus? As distinct from all other convulsive diseases and from tetanus.—Is apoplexy ever combined with tetanic convulsions? No, I should say not; perhaps I may be allowed to state that sometimes when there is effusion of blood into the brain, and a particular portion of the brain is involved, an apoplectic patient may exhibit something of a tetanic convulsion; the muscles of the brain are thrown into short tetanic convulsions.—How would the consciousness be in such a case? The consciousness would be completely destroyed.—You have heard the symptoms described which accompanied this gentleman's seizure and death, and also the appearances after death, the post-mortem examination: are you of opinion, in the case in question, there was either apoplexy or epilepsy? No.

It was suggested by Mr. *Serjeant Shee* at this stage of the inquiry that the deposition of Mr. Bamford should be read.

The *Attorney-General* acquiesced in the proposition, and stated it was his intention to call Mr. Bamford as a witness if the state of his health permitted it.—You have been in attendance on Mr. Bamford? Yes, I have seen him with Dr. Tweedie.—When did you see him? I saw him yesterday.—He has had a severe attack of English cholera? Yes.—Was he in danger? Indeed, I was very apprehensive about him for some hours.

Dr. TWEEDIE sworn.—Examined by the *Attorney-General*.

You have been in attendance, also, on Mr. Bamford? I have.—You have seen him to-day? I saw him this morning.—He has been labouring under a severe attack of English cholera? Yes.

LORD CAMPBELL.—Is he able to attend in this court to-day, to give evidence as a witness? I should say decidedly not.

(*The deposition of Dr. Bamford taken before the Coroner was then read, as follows*):

"I attended the late Mr. Cook at the request of Mr. William Palmer. I first saw him about 3 o'clock on Saturday, the 17th of November, when he was suffering from violent vomiting, the stomach being in that irritable state that it would not contain a teaspoonful of milk. There was perfect moisture of the skin, and he was quite sensible. I prescribed medicine for him, and Mr. Palmer went up to my house and waited until I had made it up, and then took it away. I prescribed a saline medicine, to be taken in an effervescing state. Between 7 and 8 o'clock in the evening Mr. Palmer again requested me to visit Mr. Cook. The sickness still continued, everything being ejected which he took into his stomach. I gave him two small pills as a slight opiate. Mr. Palmer took the pills from my house. I did not accompany him, nor do I know what became of the pills. On the following morning (Sunday) Mr. Palmer again called, and asked me to accompany him. Mr. Cook's sickness still continued. I remained about 10 minutes. Everything he took that morning was ejected from his stomach. Everything he threw up was as clear as water, except some coffee which he had taken. Mr. Palmer had administered some pills before I saw Mr. Cook on Saturday, which had purged him several times. Between 6 and 7 o'clock in the evening I again visited the deceased, accompanied by Mr. Palmer. The sickness still continued. I went on Monday morning, between 8 and 9 o'clock, and changed his medicine. I sent him a draught which relieved him from the sickness, and gave him ease. I did not see him again until Tuesday night, when Mr. Palmer called for me. I examined Mr. Cook in the presence of Mr. Jones and Mr. Palmer, and I observed a change in him. He was irritable and troubled in his mind. His pulse was firm, but tremulous, and between 80 and 90. He threw himself down on the bed and turned his face away. He said he would have no more pills nor take any more medicine. After they had left the room Mr. Palmer asked me to make two more pills similar to those on the previous night, which I did, and he then asked me to write the directions on a slip of paper; and I gave the pills to Mr. Palmer. The effervescing mixture contained 20 grains of carbonate of potash, 2 drachms of compound tincture of cardamine, and 2 drachms of simple syrup, together with 15 grains of tartaric acid for each powder. I never gave Mr. Cook a grain of antimony.



I did not see the preparations after they were taken away by Mr. Palmer. Mr. Cook did not say he had taken the pills which he had prepared, but he expressed a wish on the Sunday and Monday nights to have the pills. His skin was moist, and there was not the least fever about him. When I saw the deceased on Monday he did not say that he had been ill on the Sunday night, but Mr. Palmer told me that he had been ill. I considered death to have been the result of congestion of the brain when the post-mortem examination was made, and I do not see any reason to alter that opinion. I have attended other patients for Mr. Palmer. I attended Mrs. Palmer some days before her decease; also two children, and a gentleman from London who was on a visit at Mr. Palmer's house, and who did not live many hours after I was called in. The whole of those patients died. Mr. Palmer first made an application to me for a certificate of Mr. Cook's death on the following Sunday morning, when I objected, saying, 'He is your patient' I cannot remember his reply; but he wished me to fill up the certificate, and I did so. We had no conversation at that time as to the cause of death, nothing more than the opinion I have expressed. Mr. Palmer said he was of the same opinion as myself with respect to the death of the deceased. I never knew apoplexy produce rigidity of the limbs. Drowsiness is a prelude to apoplexy. I attributed the sickness on the first two days to a disordered stomach. Mr. Cook never sent for me himself."

Dr. TODD recalled.—Further examined by the *Attorney-General*.

Having heard that evidence read, and taking it into consideration, together with all you have heard about the symptoms from the other witnesses, are you of opinion that death was produced by apoplexy? Certainly not.—Or from epilepsy? Nor from epilepsy.—Have you ever known tetanus arise from syphilitic sore? Never.—Or from sore throat? No.—There are poisons which will produce tetanus, are there not? Yes.—Or probably you would call them tetanic convulsions? Yes, tetanic convulsions.—There are poisons which will produce that form of tetanus which you call tetanic convulsions? Yes.—Which is the principal of those poisons? The *nux vomica*.

Lord CAMPBELL.—The *nux vomica* we understand produces strychnia and brucia? Those poisons which contain as their active principle strychnia and brucia.—Those are two poisons found in different plants? Precisely.

The *Attorney-General*.—You have never seen yourself a case of death in the human subject from that poison? Never.—Have you seen animal life destroyed by strychnia? Frequently.—What is the smallest quantity that you ever saw administered to an animal to take away life? I can scarcely charge my memory, because in those cases we have given a largish dose, so as to shorten life as much as possible, to bring on the symptoms as quickly as possible, half a grain perhaps.—Do you know at the present moment, from your knowledge on the subject, what is the smallest dose that will destroy animal life? I should not like to give the human subject a quarter of a grain.—Are you of opinion half a grain would destroy life? I think it is not unlikely in some subjects.—I may assume that a grain would destroy life? I think so.—What animals have you seen the experiment tried on? Cats and dogs, and frogs.—What is the smallest quantity that will destroy a cat or a dog? I should think half a grain would destroy a cat.—Will you be good enough to describe the symptoms which show themselves in animals after strychnia has been administered to them, from the commencement of the demonstration of the poison down to the time of the death of the animal? The symptoms consist in strong tetanic convulsions.—Stop one moment; if you administer a grain to a cat or a dog, how long would it take, supposing in the one case you administered it in a liquid form, and in the other suppose you gave a pill? I cannot answer that question satisfactorily; I have not looked at that.—How have you seen it administered when given for the purpose of taking away life? I have generally given it in solution.—It would act more speedily given in solution? That was my supposition; I suppose all remedies of that sort act more speedily given in solution.—How soon have you seen it affect the animal after it has been given in solution? That very much depends on the amount of the dose; a large dose would begin very soon.—How soon? In the course of 10 minutes.—Take a more moderate dose; how long would that be? Half an hour to an hour.—When it began to show its effects, what would be the symptoms? Spasmodic action of the muscles, chiefly of the trunk, the spine, the spinal muscles, producing a very marked opisthotonos as it is called, where the spine is thrown back, the head thrown back, and the trunk bowed in a very marked manner.—How are the extremities affected? They are generally stiffened, jerked out, violent jerks; the muscles are rendered stiff and rigid.—From the spasms? Yes.—And does that stiffness remain? It does.—When once set in, it does not relax and commence again? When once set in, it does not perfectly relax.—And fresh paroxysms come in? Always attended with the peculiar curving back of the head and neck, and of the spine.

—What sort of motion is it of the muscles when in motion from that cause? It is a rigid jerk.—Would you call it a jerking motion? Yes.—The extremities, the legs or feet of the animals, are they forced out of their natural construction? Decidedly.—In what way? They are powerfully stiffened out, distended, every now and then powerfully bent, and jerked out again.—How long does it generally last before death puts an end to those struggles? That would depend also on the intensity of the disease; I should think that death would be over very soon, indeed from a quarter of an hour to half an hour, unless it is a small dose; then the symptoms gradually subside.—That is to say, if it is a dose not sufficient to destroy life? Not sufficient to destroy life.—Is there, in your opinion, a marked difference, and if so what is it, between such a case where death ensues after taking strychnia, and a case of tetanus such as you were describing just now from idiopathic or traumatic cause? I think the distinction is very marked.—Wherein? The continuity of the symptoms in strychnine poisoning is very characteristic; as long as the poisonous influence lasts the symptoms last, but the poisonous influence will subside after a time.—You mean, if it is not strong enough to cause death? If it is not strong enough to cause death, and then the symptoms do not return; in tetanus, the symptoms from the commencement are continuous, they go on as long as the patient's powers are capable of enduring.—Is the shortness of the duration of the symptoms a circumstance that would strike you? The shortness of the duration of the symptoms is decidedly in favour of strychnine poisoning.—Bruchsia, I believe, is analogous to strychnia in its effects, but it is weaker? It is.—It is 1-6th of the strength of strychnia? I do not know.—Are there any other poisons that produce convulsions of a tetanic character? No other poisons that I know of.—You heard the symptoms described which attended this gentleman's death; in your opinion, are they referable to idiopathic or traumatic tetanus? No.—You say you never saw a person die from the administration of strychnia? No.—Have you seen a person suffer from the consequences of an over dose? I have.—One instance, or more? One I perfectly recollect; I am not sure whether I have seen another.—The patient then had taken too much? Yes.—Then it was given medicinally? Yes.—What was the effect then? There was the opisthotonos, such as I have described in the case of animals, there was consciousness perfectly retained; in that particular case there was also dilatation of the pupils.—Any contraction of the muscles of the trunk? A peculiar convulsion of the muscles of the trunk.—Any of the limbs? The limbs were stiffened out.

Lord CAMPBELL.—Was there any oppression in breathing? There was an oppression of the breath.

The *Attorney-General*.—I take it the difficulty of breathing is common to both tetanus properly so called and to tetanic convulsions from strychnia? Certainly.—From the effect produced on the respiratory muscles? Yes.—Was there in the case you are speaking of, where the patient took too much, any action in the jaw? My impression is if there was, it was very slight.—Does it occur to you, as indicating anything with regard to the identity with or distinction from the case of real tetanus, that in the case of Mr. Cook he was able to swallow a liquid? I think it is an important distinction, not so much that he was able to swallow as that he seems to have been able to swallow sufficiently easy, and there was no rigidity of the muscles of the jaw, none of that peculiar description of continuance which is characteristic of the proper tetanus.—The tetanus of disease or of wound? Yes.—How long was the patient affected who took the over-dose of strychnia? Not more than an hour or a couple of hours.—Then it subsided and went off? Yes.—Judging from the cases you have seen of animal life destroyed by strychnia, and the case of your patient who took too much of it on the one hand, and the cases of idiopathic and traumatic on the other, having heard the symptoms described which attended Mr. Cook's attack and death, to what class should you ascribe his death? were the symptoms those of idiopathic or traumatic tetanus, or were the symptoms those of tetanus from strychnia? I think the symptoms were those of tetanus from strychnia.

Cross-examined by Mr. Grove.

I believe the proximate effect of tetanus, whether caused by idiopathic or traumatic tetanus or strychnia, is the same on the nerves leading from the spine? It is not unlikely it is so.—The particular affection of the nerves is, I presume, unknown? It is.—Do not convulsions pass through every grade imperceptibly from what are called mild chronic convulsions to what are called violent tetanic symptoms; do they not necessarily pass through these different grades? Do you mean in one case?—In the disorder of convulsions are there not cases of very slight affection, others more serious, and so on; cases sloping into each other from mild convulsions to rigid tetanus? Yes.—No line of demarcation absolutely can be pointed out in the character of the disorder from mild convulsions to tetanus? In particular cases there are.—My question is on an observa-



tion of the cases of the character of disease, are there not cases from every degree of mild or clonic convulsions to rigid tetanus? Clonic convulsions may be severe as well as mild.—Clonic and tonic are different? Yes.—Do not the cases pass as it were from the one into the other? are there not symptoms of difference between the two? You may have simultaneously a clonic and a tonic, but not in the same muscle.—What meaning do you attach to clonic? Clonic is more the irregular action of the muscle, stimulating somewhat more the violent action.—What is tonic? Tonic is a rigidity of muscle.—More or less persistent? Yes.—I believe you have written a work on ‘Diseases of the Brain and Nervous System?’ I have published some lectures.—I find in that you say “that tetanus may be produced through the blood, is shown by the results of the administration of strychnine, which exactly imitate the tetanic symptoms in every respect; so that you may at will develop the phenomena of tetanus in an animal by giving him strychnine, or injecting it into his blood, but you cannot cause it by external injuries;” there you say it imitates the tetanic symptoms in every respect; do you adhere to that opinion? I adhere to the opinion that the symptoms exactly resemble the tetanic convulsions, the convulsions of tetanus; the statement is incorrect if it be interpreted to mean that it produces the exact phenomena of the disease in a clinical sense.—You have been describing a case of traumatic tetanus in this book, and then you say “that tetanus may be produced through the blood is shown by the results of the administration of strychnine, which exactly imitate the tetanic symptoms in every respect;” that is the symptom I presume you have been describing; you further say, “We may ask what is the nature of the morbid process set up in these centres? to this it may be confidently replied, as the result of repeated examinations, that it is not inflammation, nor anything allied thereto;” this is the passage: “And it may with quite as much certainty be affirmed that it is a situation identical with that which strychnine produces;” do you adhere to that? I have no doubt the peculiar irritation of the nerves in tetanus is identical with the peculiar irritation of the nerves in strychnine poisoning.—I believe traumatic tetanus admits of a great variety of symptoms, does it not? I should not say a great variety.—Sometimes one set of muscles are affected, at other times others? I do not know there is such a very marked difference as that.—Are there not many cases with which you are familiar of traumatic tetanus where the wounded limb is affected? Yes, but the limbs became affected late.

Lord CAMPBELL.—You know no instance of the limbs being affected before the jaw? I do not recollect any.

Mr. Grove.—Are you speaking from what you have seen or read? From what I have seen or in what I have read I do not recollect any instance where the limbs were affected before the jaw.—Are you familiar with Dr. Curling’s book? I am sorry to say I am not.—In the case in your book you state, “It fortunately happened that we were able to have a post-mortem examination under very favourable circumstances; it was made only four hours after death, when, if there had been any morbid appearances, they would have been free from the fallacy of post-mortem change;” is not the fact of a recent examination of the spinal cord in tetanic affections of importance, an examination shortly after death? In a pathological point of view it is.—Would it not be liable to the fallacy which you speak of here, post-mortem change, if it were deferred as late as two months after death? There is to a certain extent a fallacy; there are morbid appearances produced by wounds after death, which sometimes simulate diseased conditions before death.

Lord CAMPBELL.—If there are no diseased appearances when examined some time after death, could there have been diseased appearances if the examination had been prior to it? I think, if certain diseased appearances had existed before death, they would be recognisable as long as the spinal cord was itself to be recognised.

Mr. Grove.—Decomposition would alter the structure of the spinal cord? The signs of decomposition are sufficiently evident, and they would be distinguished.—Supposing the spine to be affected by decomposition, would not what may be called the diseased softening of the spine previous to death be confused or obliterated? You would not be able to speak with certainty as to simple softening, if the examination had been long after death. You say in your book, “There was however,” in the case which you have spoken of, “as I had anticipated, no morbid appearance which seemed to offer any explanation of the disease; the nervous centres, both brain and spinal cord, were perfectly healthy; perhaps the brain contained a little more blood than usual: a fact not to be wondered at when we consider the violence of the paroxysms; the grey matter of the brain was perfectly natural, and its demarcation peculiarly distinct: indeed, the remarkable distinctness may have been morbid, and may have indicated an undue functional activity of those parts;” you say, with reference to the same subject, “This case illus-

trates the little hope we have of obtaining by post-mortem examination any other than negative information as regards the particular state of the nervous system:" speaking with regard to tetanus, is it not that the indications in tetanic disorders are slight, and difficult of seizure? Not during life.—But after death; I am asking you with regard to the post-mortem? Yes, there is nothing in the post-mortem examination on which any one could positively say that the patient died from the ordinary disease of tetanus.—If granules or small bodies were discovered in the membrane of the spine, would that be considered as not an unlikely cause of tetanus? No.—You think it would not? I think granules on the spinal cord, such as I have heard, are not likely to cause tetanus.—Are you aware, in several cases the deposition of small bony patches has been observed in the anaeroid tunic in cases of tetanus? I have observed such myself in cases where there has been no tetanus.—I am asking you as to cases of tetanus where those have been observed? I am not aware of that.—Do you know any cases which have been attended by Mr. Travers? No.—In the cases of the animals to whom strychnia was administered, did you observe, after the attack had come on, a remarkable intolerance of touch, they could not bear to be touched? I could scarcely call it an intolerance of touch: by touching them, the spasms were apt to be excited.—Did you observe, in any of those cases of animals, that they went off into a second spasm immediately they were touched? Yes.—Is not that commonly observed in animals poisoned by strychnine? Yes.—Did not they retain that identity for some time after the passing off of the fit? As long as the influence of the poison lasts, I think that remains.—For a considerable time: some hours? I cannot specify time; as long as the influence of the poison acts.—Can you give it to me approximately? I cannot tell.—Did you examine the animals that were killed by strychnine anatomically? Yes.—Did you observe the heart? Yes.—Was not the right side of the heart generally full? I think not.

Lord CAMPBELL.—How were they? Empty, I think, generally; and the heart contracted.

Mr. Grove.—Can you call to mind sufficiently the state of the heart in the majority of cases you have examined? In the majority of cases I have seen, I have seen the heart contracted.—When did you see those cases? At various times.—Recently? Not very lately; I have not made any experiments lately.—Did you take any memorandums of the symptoms of the examination? I dare say I did at the time; I cannot lay my hands on them.—When were the last you saw on the subject? Some years ago.—Can you undertake to speak distinctly from your recollection as to the state of the heart? Yes.—And that it was generally empty? Yes, not distended.—On both sides? On both sides.—What do you consider the cause of death in those cases where strychnine was administered? I think the cause of death is partly due to the difficulty of action of the respiratory muscles, but chiefly due to a general nervous exhaustion which the violence of the paroxysm produces.—Would not the difficulty of action of the respiratory muscles producing death tend to leave the heart full? I do not think it has asphyxia.—Then I think I may take you as differing from the great mass of authorities on strychnia? I do not know; I think there are differences of opinion on that subject.—By Dr. Taylor, and various other authorities, is it not generally given, on the ground that asphyxia is the cause of death? I think it is not generally laid down that animals die with true asphyxia.—After describing the symptoms, Dr. Taylor says, "The symptoms soon cease after a short interval; the chest is so fixed as to give it an appearance of suffocation; after several of such attacks, the patient dies asphyxiated;" do you agree with that? No, I do not agree with that.—Nor with any of those medical authorities who take the same view? I think if animals died asphyxiated, you would have invariably the right side of the heart full of blood, which is not the case.—I find Dr. Christison, in his book describing the paroxysm, says, "At length a fit takes place more violent than any before it, and the animal perishes suffocated," which means pretty much the same thing as asphyxiated, does it not? The expression is often used loosely, I think.—Both expressions are suffocated? I think "suffocated" is used more loosely than "asphyxiated;" a person with spasm of the glottis will die with what is called asphyxia.—If the animal dies asphyxiated, the right side of the heart is filled with blood? I think that is the usual result.—Do you know that morphia produces convulsions? Persons sometimes have convulsions after poison by morphia; I think they are more of an epileptic character; I never witnessed them.—You know such from your reading? Yes.—Morphia is a vegetable alkali, I believe, as strychnine is?—Yes.—What would be the time in which, after morphia, symptoms of convulsions would come on? I should think very late.—Later than in strychnia? It depends on the dose entirely.—Generally, would you think it later than strychnia? I cannot answer the question; it is not a subject I have devoted attention to.—In any case of strychnia that you have observed, or had an oppor-



tunity of witnessing, have you seen the paroxysms come on as late as an hour and a half after the administration of the poison? I cannot answer; I cannot say.

LORD CAMPBELL.—You must ask how the poison was administered; whether in liquid, or how?

Mr. Grove.—I ask in any case, whether taken in liquid or otherwise, the paroxysms have come on as late as an hour and a half? I cannot remember.—Have you seen, in cases of animals, the jaw fixed (trismus) in cases of strychnia poisoning? I think not, in any marked way: I have no doubt the muscles of the jaw may be affected to a certain extent, but not in the marked way that is the case in tetanus.—Can you recollect enough to say whether trismus is not a frequent effect from strychnia; I will not say an invariable one?

LORD CAMPBELL.—Have you seen it? I cannot positively charge my recollection on that point.

Re-examined by the *Attorney-General*.

At all events, if it is a symptom, though not in a marked way, at what period of the affection does it generally come on? I should expect it would come on soon.—But you have not seen it? No; it is not a marked symptom according to my observation.—Now, whatever may be the true theory as to the emptiness of the heart, where the patient dies from tetanus or tetanic convulsions, is it the general appearance after death that the heart should be empty; I mean as resulting from that disease; I am speaking generally; in death from what you call tetanus, do you expect to find the heart empty? I should not expect to find anything peculiar about the heart.—In the cases that have come under your observation, have you seen persons opened afterwards, and post-mortem examinations held after death, where death has arisen from ordinary tetanus, in which the heart has been usually found empty? The heart is not filled; I have no doubt blood is sometimes contained in the heart.—Did you find the distinction in that respect between the case of ordinary tetanus and the case of tetanic convulsions after strychnia? Nothing very marked; my impression is the heart became strongly contracted.—Do you mean after strychnia? Yes, more so than after ordinary tetanus.

LORD CAMPBELL.—Then the spasm extends to the heart? The spasm, I think, extends to the heart.

The *Attorney-General*.—That would expel the blood from the heart? That would expel the blood from the heart; though it might not expel all the blood, it would prevent sufficient dilatation of the heart to receive its full supply.—My friend asked you whether there were any cases of convulsions of the milder form going up to the extreme climax of tetanic rigidity; are the distinctions marked? would a medical practitioner have any difficulty in knowing a case of general convulsions as distinguished from a case of tetanic convulsions? I think not.—You have said it would be desirable, in a pathological point of view, to examine the spinal cord recently after death, with a view to detect any abnormal condition of it: did you hear the description given by the gentlemen who did examine it? Yes.—From their description did it appear to you that those parts were in such a condition that any such indication of disease might have been discovered? I think so.—My friend spoke of bony patches; would those have been discovered? Certainly.—Would there have been any difficulty in discovering them? None whatever; they do not undergo any decomposition after death, at least not for a very considerable time.—Taking the examination at that period, you heard it mentioned, I dare say, that the extremities manifested still the same rigidity; that the muscles were of the same rigid kind? Yes.—Does that give you any idea? It struck me as a very remarkable feature in the case.—In what respect? I cannot speak with absolute certainty on the case, but it is a feature which is quite new to me; I doubt whether it occurs in ordinary tetanus.—Have you any means of knowledge in that respect? I have only heard one fact, since this trial began, which was a case in which a cat was poisoned by strychnine, and the muscles continued to be rigid for six days after death.

Mr. *Sergeant Shee*.—You have not heard it on oath during the trial? No.

The *Attorney-General*.—You did not see it yourself? I did not.—Can you tell me whether in cases of ordinary tetanus that rigidity of the muscles continues for so long a period? I cannot; I have inquired on the point, and I cannot ascertain the fact.

Sir BENJAMIN BRODIE sworn.—Examined by Mr. *James*.

Sir Benjamin, I believe you were surgeon at St. George's Hospital for many years? Yes.—You have had, I need not ask you, a very extensive practice? A considerable practice.—In the course of your practice have you had under your superintendence many cases of death from tetanus? A great many.—Is death from idiopathic tetanus in this country frequent or rare? According to my experience very rare.—The ordinary death from

traumatic tetanus? Yes.—Have you attended during the trial carefully to the description of the symptoms given on the Monday night and the Tuesday night attending the death of Mr. Cook? Yes, I attended to them.—In your opinion are the symptoms those of traumatic tetanus or not? As far as the spasmodic contraction of the muscles goes, the symptoms resemble those of traumatic tetanus; as to the course which the symptoms took, that was entirely different.—Did you attend to the detail of the narration of the attack on the Monday night? Yes, I did.—And its ceasing, and the patient being comfortable and composed during the Tuesday? Yes.—And then the attack again about 10 minutes before 12 on the Tuesday night? Yes.—Will you explain what you mean; in what respect they are different from traumatic tetanus? The symptoms of traumatic tetanus always begin, as far as I have seen, very gradually; the stiffness of the lower jaw being, I believe, invariably the symptom first complained of; at least, so it has been in my experience: then the contraction of the muscles of the back is always a later symptom, generally much later; the muscles of the extremities are affected in a much less degree than those of the neck and trunk, except in some cases where the injury has been in a limb, and an early symptom has been a spasmodic contraction of the muscles of that limb; I do not myself recollect a case in which, in ordinary tetanus, there was that contraction of the muscles of the hand which I understand was stated to have existed in this instance: then ordinary tetanus rarely runs its course in less than two or three days, and often is protracted to a much longer period; I know one case only in which the disease was said to have terminated in 12 hours.

Lord CAMPBELL.—In so short a time as 12 hours? But probably in that case the early symptoms had been overlooked: then I never knew these symptoms of ordinary tetanus to last for a few minutes, then subside, then come on again after 24 hours; I think that those are the principal points of difference which I perceive between the symptoms of ordinary tetanus and those which I have heard described.

Mr. James.—Sir Benjamin Brodie, you are aware, of course, of the tetanus or tetanic convulsions which are the result of strychnia? I have not witnessed them.—But as a surgeon do you know the effect on animal life?

Lord CAMPBELL.—Do you know of experiments on animal life by strychnine? I have not made any myself.

Mr. James.—In your opinion was this a disease of the ordinary kind of tetanus, either traumatic or idiopathic? I do not believe that death here arose from what we ordinarily call tetanus, either idiopathic or traumatic.—Did you ever know a death from tetanus as the result of sore throat? Never.—Or the result of a chancre? Never, I never heard of it.—Or any other form of syphilitic disease? I never heard of a case.—In your judgment are the symptoms of death consistent with a fit of apoplexy such as you have heard described? No, they are not.—Or epilepsy? Perhaps I had better say at once that I never saw a case in which the symptoms that I heard described arose from any disease: when I say that, of course I refer not to particular symptoms, but to the general course which the symptoms took.

Cross-examined by Mr. *Serjeant Shee*.

Have you had any experience of idiopathic tetanus? I believe I remember one case in our hospital in the physicians' ward, which was shown me as a case of idiopathic tetanus, but I doubted its deserving the name of tetanus.—I presume it was a very slight case, then, of tetanic convulsions? Yes; I do not remember the particulars.—Considering how rarely comparatively tetanus is witnessed at all, would you think that the description of a chambermaid and of a provincial medical man who had only seen one case of tetanus could be relied upon by you to state what description of disease the disease observed was? I must say I thought the description very clearly given.

Lord CAMPBELL.—He is asked, assuming what the witness says is correct.

Mr. BARON ALDERSON.—It is not the opinion of the witness, but the facts to which the witnesses swear.

Mr. *Serjeant Shee*.—On which of the two would you rely, supposing they differed, the chambermaid or the medical man?

Lord CAMPBELL.—That is hardly a proper question.

Mr. BARON ALDERSON.—It is a proper observation for you to make, brother *Shee*.

Mr. *Serjeant Shee*.—I find in Dr. Copland's book the syphilitic poison is sometimes the cause of convulsions; is that so in your experience? I have never seen it produce convulsions, except as a consequence of disease in the bones of the head.

*The Court then adjourned for a short time.*



Mr. HENRY DANIEL sworn.—Examined by the *Attorney-General*.

I believe you have now retired from the profession? I have.—Were you for many years surgeon to the Bristol hospital? I was.—How many years? Upwards of twenty-eight.—How long were you in the profession altogether before you left it? I was in practice nearly thirty years, and I was a student some eight or nine years.—Now, in the course of your experience and practice had you occasion to see a good many cases of tetanus? A considerable number.—What should you say in round numbers; in the whole about how many? If I take it at a very small ratio of one a year, it would be nearly thirty.—You must have seen near upon some thirty cases? Yes, I should say certainly that number.—Were they all from wounds, or any other cases of idiopathic tetanus? Not all from wounds; there were two for certain idiopathic tetanus.—Did those two cases of idiopathic tetanus terminate fatally? One did not, one did.—Do you agree with the other medical gentlemen that have been called, that idiopathic tetanus is a thing of rare occurrence? Very rare; I quite agree in that.—Now did you find in the cases of idiopathic tetanus that came under your observation any difference in the symptoms between them and traumatic tetanus? There appeared to be a modified distinction from the symptoms of traumatic tetanus.—Not so severe? Not so severe.

Lord CAMPBELL.—Did that arise from internal causes rather than external influences? Yes, my Lord.

The *Attorney-General*.—Were you able to trace those two cases of idiopathic tetanus to any particular cause? I was not.—You have heard the other witnesses describe the course in which the symptoms of ordinary tetanus run, do you agree in that from your experience? I certainly do.—You heard the description given of the symptoms which accompanied the attack of Mr. Cook before his death? I did.—Does it appear to you that the circumstances of his affection are distinguishable from those cases of tetanus which came under your extensive experience? Most assuredly.—Will you point out any instance in which you found a marked difference? I should repeat very probably the words of Sir Benjamin Brodie.—We wish to have your own opinion of the cases that have come under your own notice? The tetanus, as far as my impression goes, invariably begins with uneasiness in the lower jaw, followed by spasms of the muscles of the trunk, and most frequently extending to the muscles of the limbs.—At what period are the muscles of the limbs affected? Generally towards the end.—Is lock-jaw a common symptom in these cases of tetanus? Almost invariably; traumatic in particular.—At what period does that show itself? The commencement of lock-jaw is one of the earliest symptoms.—Clenching of the hands, is that one? I do not recollect that it was a frequent symptom.—You have seen it? I think I have seen it, but I do not think clenching, a clenched hand, is an ordinary symptom of common tetanus.—What is it, twisting of the feet so as to turn it out? No.—You do not remember that? I do not remember that as a symptom.—Of those twenty or thirty cases that have come under your personal experience what has been the ordinary duration? I have endeavoured, since the subject has been mooted, to recollect what was the shortest period, and I cannot recollect anything less than from thirty to forty hours.—You cannot recollect a case that took less than from thirty to forty hours? No, I cannot.—You must, as surgeon to the Bristol hospital, have seen a good many cases of syphilitic disease? I have.—Do you ever know a syphilitic sore producing tetanus? No.—Now in your opinion can the symptoms which you have heard described in Mr. Cook be referable to apoplexy? Certainly not.

Lord CAMPBELL.—Would either the primary or the secondary symptoms of syphilis produce tetanus? No.—You never knew of such a thing? Never.

The *Attorney-General*.—You say you think the symptoms cannot be referred to apoplexy? Certainly not.—Or to epilepsy? No.—Both in the case of epilepsy and apoplexy is there a loss of consciousness? There is.—In all the cases of tetanus that have come under your observation has consciousness been retained to the last? Throughout all the period.—Now in the cases that have come under your experience have the symptoms ever set in with their full power at the commencement, or have they begun in a milder form and gone on gradually to a more complete development, ending in death? They invariably have been continuous, without any interruption.—So that you never heard of a case of several hours intervening, when the patient was totally free from the disease? Never.—My question was, whether the symptoms when they did set in in those cases exhibited their full powers at the commencement, or whether they gradually went on progressing? They generally commenced very mild and gradually increased in intensity.—Bearing in mind all your past recollection and experience of the symptoms of tetanus in ordinary cases, in your judgment could the symptoms of Mr. Cook be referred to idiopathic or traumatic tetanus? In my judgment they could not.

Lord CAMPBELL.—Can it be referred to any disease? None.

Cross-examined by Mr. Grove.

Do you not read and know from your reading that there are many cases of traumatic tetanus where there is a long interval between the symptoms? I never knew such a thing occur.—I ask you whether from your reading you do not know that there are numerous cases mentioned in which there was a long interval of some hours? I am not aware of it.—Have you read Dr. Todd's book? I have not.—Have you read Mr. Curling's book? I have not: you must recollect I have been out of practice some 17 or 18 months.—I am not wishing to press you on anything that you do not recollect, but it is important we should get at your knowledge: you have not read Mr. Curling's book? I have not.—Have you read Dr. Copland on Convulsions? No, I have not.—Then probably you have not looked much into the reported cases of tetanus? Not of late.—Nor do you recollect your reading on the subject? No, I do not.—Can you tell me whether excitement and irritation from vomiting are not given as the cause of tetanic convulsions? I am not aware of it.—Can you tell me from your reading or from your experience whether the symptoms of tetanic convulsions do not vary very much in different cases, in some affecting one portion of the body, and in others another? It may vary: as far as my experience goes almost the leading symptoms always going the same continuous road.—I ask you, do they not sometimes affect some muscles of the body and at other times others? I do not think that a pure ordinary tetanus does.—I do not know what you attribute to a pure tetanus? I am speaking of the ordinary tetanus, traumatic.—You do not think they do vary? I do not think they do to any great extent; there may be an affection of a muscle in this man that there is not in the other, in a leg or an arm.—It is supposed to proceed, as we have heard from other witnesses, from the spine? I cannot take upon me to say.—Can you tell me what the cause of death is in tetanic affections? It arises from exhaustion not unfrequently.—Does it not frequently arise from asphyxia? Well, I do not like the term asphyxia.—Can you supply me with one; suffocation? Yes, suffocation.—Arising from the absence of ability to respire? Yes.—Is that a cause? I think it might be; I am not positive upon it.—Have you seen post-mortem examinations of persons who have died of tetanus? Yes, I have; it is a great many years ago.—You cannot recollect that? Yes, I recollect the general outline.—Can you tell me this; whether as to persons dying of suffocation in consequence of impeded respiration, whether the heart is not found full? I do not think it is in tetanus.—I ask you as to death from suffocation? Well, really I cannot tell.—The traumatic cases of course we understand are cases proceeding from wounds, and those wounds would form a very small proportion of the cases that are followed by tetanus? Yes, very small.—Infinitesimally small? Yes.—Would not that probably be the same if syphilis were the case? I really could not say.—Is not that a fair medical conclusion of one class of wounds? I really do not understand you.—I will endeavour to make myself understood: of one class of wounds only an infinitesimally small proportion of the wounds produce tetanus; would it not be the same in another class of wounds? No.—Why not? Because it has different tissues.—I am asking you as to the proportion; I am not asking you as to the effect of the wound on the body; I should have thought you might have formed a judgment upon that: I should ask you whether, assuming for a moment that a syphilitic wound might produce tetanus, would that be only in certain instances? To tell you the truth I do not understand your question.—It seems to me my question is not a difficult one? It might not be to his Lordship, but it is a question that is difficult to me.—Can you recollect enough of the post-mortem to state anything as to the spine or brain? I recollect the post-mortem examination of cases of tetanus sufficiently well to say that there was not any direct alteration of the normal condition of any part of the body that accounted for the tetanus affection.

Re-examined by the *Attorney-General*.

I understand you the examination, however recently after death, of the spinal cord and marrow never, in any case that you know of, gave any indication or showed any cause from which the tetanus could be derived? Never the slightest.

Mr. SAMUEL SOLLY sworn.—Examined by Mr. Welsby.

I believe you are surgeon at St. Thomas's Hospital? I am.—For how many years have you been engaged in hospital practice? I have been connected with St. Thomas's Hospital as lecturer and surgeon twenty-eight years.—During that time have you witnessed many cases of tetanus? Yes, I have.—Can you state to the court about how many? I should find it difficult to state exactly how many; but I had six or seven under my own care, and I have seen from ten to fifteen more; but I do not bear more than that in mind.—I believe they have been all cases of traumatic tetanus? There is one case in which I was doubtful whether it was traumatic or idiopathic; the wounds were so slight and the symptoms so



small, that it was questionable.—The rest were decidedly traumatic? The rest were decidedly traumatic.—Supposing that to be an idiopathic tetanus, did the symptoms differ in their progress from the other cases of traumatic tetanus? They were slower in their progress and generally rather milder.—Would you inform us of the shortest period that any of the cases of tetanus you have witnessed occupied before the disease arrived at a point? I can remember none under thirty hours.—In those cases did the symptoms set in frequently at first, or did they gradually increase in intensity? Always progressing. Now you have heard the description given by the witness of Mr. Cook's attacks on the Monday and the Tuesday? I have.—Does that account differ from what took place in the cases of tetanus to which you have referred? It differs essentially.—Will you state in what respect? In all the cases of tetanus that I have seen there has been a marked expression of the countenance, that is the first symptom; it is a sort of grin; it is so peculiar, that having once seen it you can never mistake it.—In what other respects do the cases differ? More particularly in this fact, that in the symptoms which I have heard detailed there were violent convulsions on the Monday, but I believe on the Tuesday the individual was entirely free from any discomfort about the face or jaw.—In the cases that have come under your notice, have the symptoms been continuous? Always continuous; and that expression of the countenance and the more or less fixedness of the jaw is the last symptom that does appear.—In ordinary tetanus, which portion of the body is first affected by the spasm, the trunk or the limbs? The muscles of the face first, then the muscles of the jaw, then the trunk, and then the limbs.—In your judgment were the symptoms described in Mr. Cook's case referable to apoplexy or epilepsy?—No.—Or to any other disease? No; to neither apoplexy nor epilepsy, nor any disease that I have ever witnessed.

Cross-examined by Mr. *Serjeant Shee*.

You say that in all the cases that you have seen there was a marked expression of the countenance, a sort of grin; is there a Latin term for that, which is known? Yes, *risus sardonius*.—Is not that very common in all forms of violent convulsions? No, it is not common.—Does it not frequently occur in all violent convulsions which assume, without being tetanus, a tetanic form and appearance? Yes, it does.—Are they not a very numerous class? No, they are not numerous.—Is it not very difficult to distinguish between them and idiopathic tetanus? In the onset, but not in the progress.—I think you say you have only seen one case of idiopathic tetanus? I have only seen one.

Lord CAMPBELL.—And that was a doubtful one.

Mr. *Serjeant Shee*.—When you answered that question of mine you spoke from your reading and not from your experience? I did not know your question applied to idiopathic tetanus alone.—Does epilepsy sometimes occur in the midst of violent convulsions? Epilepsy itself is a disease of a convulsive character.—I am aware of that; but you heard the account that was given by Mr. Jones of the few last moments before Mr. Cook died? Yes, I did.—That he uttered a piercing shriek, fell back and died; did he not? Yes.

The *Attorney-General*.—I beg your pardon; there was an interval.

Mr. *Serjeant Shee*.—No, no; five or six minutes.

Lord CAMPBELL.—He died very quietly.

The *Witness*.—I heard the description of the shriek, with the convulsion; but it was the shriek that called the medical man into the room.

Mr. *Serjeant Shee*.—That was at the height of the attack? Yes.—Tell me whether that last shriek and the paroxysm that occurred immediately afterwards, would not that bear a strong resemblance to epilepsy? In some respects it bears a resemblance to it.—Are all epileptic convulsions—I do not mean epileptic convulsions designated by scientific men as of the epileptic character—are they all attended with an utter want of consciousness? No, not all.—Does not death by convulsions frequently occur without leaving any trace in the body behind it? Death from tetanus, accompanied with convulsions, leaves seldom any trace behind; but death from epilepsy leaves a trace behind it generally.—What trace? Some few effusions of blood on the brain, or congestion of the vessels.—Does it not frequently happen that convulsions that have not assumed the peculiar features of epilepsy destroy life and leave no trace in the body? I am not aware; it has not come within my own cognizance.

Lord CAMPBELL.—Have you known it in infants? I have seen comparatively little of the disease in infants.

Re-examined by the *Attorney-General*.

Are the convulsions that take place in epilepsy of a tetanic character? Not at all, and I have seen a great deal of the convulsions of epilepsy.—Are they ever accompanied by clenching of the hands that we have heard described, or the distortion of the feet and

toes? The convulsions from epilepsy are accompanied with everything.—Permanent? Not permanent.—Why do you say that in the case of Mr. Cook, according to the symptoms you have heard described, he did not die from epilepsy; why do you say so? There were none of the symptoms of epilepsy; when the patient dies with epilepsy he dies perfectly unconscious, his consciousness is entirely gone.—But my friend asked you just now whether there were not some cases of epilepsy in which consciousness was not entirely gone? Some cases of convulsive disease similar to epilepsy.

Mr. *Serjeant Shee*.—Of the epileptic character.

The *Attorney-General*.—Are you able to say this was not such a case? I have never seen any case of convulsive disease at all like this.—My learned friend asked you whether there were not forms of convulsions that were similar to tetanic convulsions, and you said there were some that were so, in the onset, but not in the progress; will you point out wherein the distinction rests as regards the progress of the disease between the two sorts; my friend put to you a question as to whether there were not some forms of convulsions? Yes; the ulceration of the brain from injury will produce convulsions which will terminate in death; a sudden injury to the spinal cord will produce convulsions which will terminate in death; irritation of the teeth in infants will produce convulsions.—Are those convulsions in their onset similar to the convulsions of tetanus? No, they are not; and there is no progressive movement, there is no appearance about the face or jaw of having tetanus; I have never missed that.

Mr. HENRY LEE sworn.—Examined by Mr. *Bodkin*.

You are surgeon to the Lock Hospital? I am surgeon to King's College and the Lock Hospital.—How long have you been professionally acquainted with the Lock Hospital? Some eighteen years.—Is that an establishment particularly devoted to syphilis? It is.—Exclusively? Exclusively.—Could you in round numbers mention about the number of syphilis cases that have come under your notice during your eighteen years? At present I suppose it is not less than 3000 cases a-year at King's College and at the Lock Hospital.—In many of those cases have you seen syphilitic affections of the throat? I have seen a considerable number.—And also that phase of the disease called chancre? Yes.—Have you ever known an instance in which either of those forms of disease have terminated in tetanus? No, never.—Have you had any experience yourself in cases of tetanus? Not much.

Lord CAMPBELL.—Will either primary or secondary symptoms of syphilis produce tetanus? I have never seen nor have I read of a case; I have heard of one.

Dr. ROBERT CORBETT sworn.—Examined by Mr. *James*.

Are you now a physician practising at Barhead, near Glasgow? I am.—In September, 1845, were you medical clerk to the Glasgow Royal Infirmary? I was.—Do you remember a patient being in the hospital of the name of Agnes French? I remember one with a name like that; I think she was called Senet.—Is that the same person? It is the same person.—What name did she pass by in the hospital? Agnes Sennet.—Did she die on the 29th of September, 1845? She did.—Now was it ascertained that her death was occasioned by strychnia pills? The patients in the ward said that she had taken the strychnia pills, and she died with symptoms of poisoning from strychnia.—Now did you see her shortly before her death? I saw her at the time she was under the symptoms.—Under the influence of poison? I had seen her during the day before that perfectly well.

Lord CAMPBELL.—For what was she a patient in the hospital? She had been taken in for a disease in the head.—And was she perfectly well? Yes; on that day, the day she died.

Mr. *James*.—She had taken some strychnia pills that had been placed there for another paralytical patient? Yes.—Were you called to her when she was under the influence of poison? I was.—Where did you find her; was she in bed or in the ward? She was in bed when I saw her.—Will you describe her symptoms when you saw her suffering from or under the influence of this poison? There was a retraction of the mouth and face, much suffused and red, the pupils dilated, the head was bent back, the spine curved, and the pupils rigid and hard like a board.—How were her arms? Her arms were stretched out and her hands clenched, severe paroxysms recurring every few seconds at short intervals.—How long was it before she died? She died in about an hour and a quarter after taking the medicine; after taking the pills.—They were pills, as you have said? Yes.—How long did the paroxysms last from the time you were called to her until death? I think when I was called to her they did not last so long; they increased in severity.—From the time you were called to her until her death, what time elapsed? The paroxysms lasted



nearly an hour.—Do you know what quantity there was of the strychnia that she took; I think you have the prescription that was made up for the paralytic patient? There should be a quarter of a grain in each pill.—Was it ascertained how many pills she took? Yes, three pills.—Were those pills for the paralytic patient to take on each night? Each night, or night and morning.—And this girl, as you say, took three of them? Yes.

Cross-examined by Mr. *Serjeant Shee*.

You say there was a retraction of the mouth? The angles of the mouth.—Was that continuous? It was continuous, but it was worse at times.—Did it continue after death? I do not think I observed it after death.—Did the clenching of the hands continue after death? In my report I think I said the hands were semi-bent.—Did the elenching continue after death? No, they were not clenched.

Lord CAMPBELL.—How were they? Something in this form. (*The witness described the form.*)

The *Attorney-General*.—Partially clenched?

Lord CAMPBELL.—They were not clenched, but semi-bent? That was a few hours after death.

Mr. *Serjeant Shee*.—Is not that semi-bending of the hand a very common thing in cases of death by violent convulsions? I think it is.—You say she died in an hour and a quarter after taking the medicine? Yes.—How long after taking the medicine was she attacked by the symptoms? Twenty minutes.—Did you try to make her vomit with a feather? Yes.—Did you fail? She vomited partially, she did not vomit much.—Was that after giving her an emetic? It was after giving her an emetic, and after tickling the fauces with a feather.

Re-examined by the *Attorney-General*.

There was no spasmodic action? There was a grinding of the teeth. The spasmodic action followed. She could not open her mouth to swallow anything.—There was not what is called lock-jaw in ordinary tetanus? No.

Mr. *Serjeant Shee*.—I have omitted to ask one question; perhaps your Lordship will have the goodness to put it?

Lord CAMPBELL.—Ask it yourself.

Mr. *Serjeant Shee*.—Was she not in such a condition after she had taken the poison, that the mere touching of her sent her off into a paroxysm? I do not recollect.

Dr. WATSON sworn.—Examined by the *Attorney-General*.

You are one of the physicians, I believe, of the Glasgow Infirmary? I am surgeon.—Do you remember the case of which the last witness has been speaking? Perfectly well.—The case of Agnes Senet? Yes, I do.—Were you called in to attend her? Yes.—How soon after she was taken, do you know; after the symptoms first began? It must have been about a quarter of an hour, I should think.

Lord CAMPBELL.—After she was taken ill? After she was taken ill.

The *Attorney-General*.—What state did you find her in? Violent convulsions.—In what state were her arms? Stretched out and rigid.—In what condition were the muscles of the body? They were also rigid.—Were they convulsed? They were kept quiet by rigidity.—When you saw them they had become rigid? Yes.—Did you observe anything about her feet and legs? They were also rigid.—What was the state of her breathing? Just at that moment she did not breathe; the muscles were kept quite quiet by the tetanic rigidity of the whole frame just for that second; it was not carried on at all; it was during the excess of the time.—Did that paroxysm subside at all? Yes, it subsided almost immediately.—Was it renewed afterwards? Yes.—And fresh paroxysms came on? Yes.—After what interval? After a very short interval; I cannot exactly say how long.—How long was she dying? About half an hour.—Did those paroxysms occur at intervals until it destroyed her? Yes.—What was the state of her consciousness during the time? She seemed perfectly conscious.—Did you observe anything about her hands? I do not recollect the state of her hands.—Did you observe them after death? No; I cannot recollect the state of them.—I do not know whether her body was opened afterwards? Yes, her body was opened.—What did you find the condition of the heart? It was stiff; the walls were stiff and the cavities empty.—I think you published an account of it? My father did.—You do not remember the state of the fingers and thumbs? I do not.

Cross-examined by Mr. *Grove*.

In the post-mortem examination what part of the body did you open first? I cannot answer that; I did not make the inspection myself.—Was the head opened when you saw

her? The head was opened.—I suppose if the head was opened first the blood would flow out, a great deal of blood? It might.—Would that tend to empty the heart? It might do so.

Re-examined by the *Attorney-General*.

Were you present at the post-mortem examination? I was.—What was the condition of the spinal cord? Nothing particular.—With regard to health? Quite healthy.—You saw nothing to indicate an abnormal condition there? Nothing.

Lord CAMPBELL.—Was the heart contracted? Yes.

Dr. JAMES PATTERSON sworn.—Examined by Mr. *Welsby*.

In the year 1845 were you an apprentice in the laboratory of the Infirmary at Glasgow? I was.—Was it your business to dispense the prescriptions? It was.—Now do you remember dispensing a prescription in the month of December in that year for a paralytic patient of the name of M'Intyre? I remember such a prescription was dispensed.—Was it in the form of pills? It was.—Did they contain strychnine? They did.

Lord CAMPBELL.—What was the vehicle to convey it? They were made up of flour and syrup.

Mr. *Welsby*.—What quantity of strychnine? The prescription was four pills, one grain and a quarter of a grain in each pill.

Cross-examined by Mr. *Serjeant Shee*.

Is this flour and syrup the usual thing in which medicine of this kind is made up? It is always the mode in which I have prepared them when in the laboratory.

Mr. BARON ALDERSON.—Was there any noise about their being taken by another person? There was.

MARY KELLY sworn.—Examined by Mr. *Bodkin*.

Were you, in September, 1845, in the infirmary at Glasgow? Yes.—What were you doing there, as a nurse or a patient? A patient.—Was there a paralytic patient in the same ward that you had to attend to? Yes.—Was there also a patient who went by the name of French? Yes.—Or Senet, who died shortly after you were there? Yes.—Was she suffering from a sore head? Yes.—In the course of the afternoon on which Senet died were you doing something with the wheel to the paralytic patient? I was turning it.—It was to be applied to the skin for some purpose? Yes.—While you were doing that did the girl who had the sore head come up and ask you some questions about her? She came up and asked me what I was doing.—She asked you some questions about what you were doing? Yes.—Were there some pills there which the paralytic patient was to take; was there a box with some pills in it? Yes.—While the girl with the sore head was there did you see the paralytic patient take one of those pills? Yes.—Out of the box, and swallow it? Yes.—Was that according to the order that had been given? Yes.—That she was to take one pill at a time? Yes.—After she had done that she handed the box with the other pills in it to the girl with the sore head? Yes, to French.—Did you see the girl with the sore head take any of those pills? Yes, two.—She swallowed them? Yes.—Did she swallow only two, or did she take any more? No; I only saw her take two.—Did she go and sit near the fire where there were some other patients sitting? She came and sat down by the ward fire.—Was she soon after that taken ill? Yes.—About how long after she had taken the pills? About an hour and a half altogether from the time she had taken them.

Lord CAMPBELL.—How soon after she had taken the pills was she taken ill? I think about three quarters of an hour.—In what way did she appear to be taken ill; what did you observe? She fell back on the floor, and I went for a nurse.—Did you then lift her into bed? Yes.—You and the nurse? Yes.—And a medical man, the doctor, was sent for? Yes.—Did you notice her after she was put upon the bed? Yes; I went into the next bed to her.—You remained up some time after this? Yes.—Did you notice anything remarkable about her after she was put upon the bed? The nurse cut her clothes off; she never moved after she was put upon the bed; she was just like a poker.—Did you notice her hands? No, I did not.—Or her feet? No.—Were you with her when she died? I was just aside of her.—Were you up, or in bed? Standing on the floor.—Did she say anything? No, she never spoke after she fell.

Cross-examined by Mr. *Serjeant Shee*.

Just attend to me; you are under a mistake about the time; how long was it after she took the pills that the symptoms of illness came upon her? Well, I cannot rightly tell; it is so long back; from the time that she was carried to the bed was three quarters of an hour.—How long was it from the time that she took the pills to the time that she appeared



ill? About three quarters of an hour.—You say the nurse was obliged to cut her clothes off? Yes.

CAROLINE HICKSON sworn.—Examined by Mr. *James*.

Were you, in October, 1848, nurse in the family of Mrs. Serjeantson Smith? I was.—Who now live at Sherborn, near Basingstoke? Yes.—Were you nurse there, or lady's-maid? Nurse and lady's-maid.—Were the family at that time residing near Romsey? They were.—How far from Romsey? About two miles.—In Hampshire? In Hampshire.—On the 30th of October in that year, 1848, was Mrs. Serjeantson Smith unwell? She was suffering from weakness.—Was there a Mr. Jones, a druggist, in Romsey, with whom you dealt for drugs? There was.—Had a prescription been sent to Mr. Jones to make up for Mrs. Smith? Yes.—Do you remember the medicine being brought back from Mr. Jones? Yes.—About what time in the day was it? In the afternoon, about 6 o'clock.—In what form of medicine was it? A mixture.

Lord CAMPBELL.—A mixture in a bottle? Yes.

Mr. *James*.—Did you see your mistress take it? I did.—How much did she take? About half a wine-glass.—As nearly as you can recollect, about what time was it; in the morning or in the evening? In the morning.—On the following morning? On the following morning.—About what time in the morning was it that she took it, as near as you can remember? About 5 or 10 minutes past 7.—It was in her bed-room? It was in her bed-room.—Now, having given her that medicine, you left the room probably? I did.—How soon afterwards were you alarmed by the ringing of the bell? About 5 minutes, or it might be 10.—When you went into your mistress's room in what state did you find her; what first attracted your attention? I thought she had fainted; she was leaning upon a chair.—Was she up or in bed? From the bed.—In her night-dress? In her night-dress.—What did you find; just describe it? She appeared to suffer from what I thought spasms.—You ran down and sent the coachman into Mr. Taylor's the surgeon? I did.—You then returned to your mistress's room? Yes.—Now when you returned did you find some of the other servants in your mistress's room? I did.—Assisting to support her? Upon the floor.—She was lying upon the floor? Yes.—What did you notice that she was doing? She screamed very much.—Loudly? Loudly, but did not open her teeth.—Did she say anything to you about her arms or legs? She asked me to have them pulled straight.—Did you take hold of her arms or legs? Yes.—In what state did you find them? Drawn up very much.—What did she say then to you; what did you do? She still screamed as if in great agony.—Did you throw some water over her; did she request some water to be thrown over her? Yes.

Lord CAMPBELL.—Did she request it? Yes.—And you did so? Yes.

Mr. *James*.—You say her arms and legs were drawn up very much? Yes.—Did you notice her feet? They were turned inwards.—Did you put hot water to her feet? I did.—A bottle of hot water? A bottle of hot water.—Had that any effect in relaxing the feet? None at all.—Shortly before she died did she make any request of you to do something with her? She said she felt easier a short time before she died.—Before she died, the last words she uttered, did she say anything to you? "Turn me over."—Did you turn her over? Yes, I did.—She was lying on the floor? She was lying on the floor.—And how shortly after she said to you "turn me over," did she die? In a very few minutes.—Did she die tranquilly after you turned her over? Very quietly.—You say it was very shortly before she died that she said "turn me over?" Yes.—Was she conscious, did she know you during the whole time? Quite well.—She addressed you, and knew you? Yes, quite well.—Now from the time that you gave her by mistake, the surgeon sent it by mistake, this medicine that morning, what was about the time until she died? I think about an hour and a quarter.—I think you said it was about from 5 to 10 minutes after you had given her the medicine before the bell rang? About that time.—About how much of the medicine did she take in the glass? About half a wineglassful.

Cross-examined by Mr. *Grove*.

The 5 or 10 minutes that you speak of, was that after taking the medicine? Yes, after taking the medicine.—From the time you saw her in the spasms when you were called up, could she after that at all sit up? No, not all.—When you endeavoured to straighten her limbs, I presume it was when she was in the paroxysms, the stiff rigid paroxysms? Yes.—What was the effect of the cold water? She did not seem to take any notice of it.—Was she then in the paroxysms? Yes.—How long fits had she altogether? She only seemed easy for a very short time before her death.—Was it a continual recurring fit? Continuous.—It lasted about an hour? About an hour or an hour and a quarter.—Were her teeth clenched during the whole time? Quite close.

Re-examined by the *Attorney-General*.

You say it lasted an hour and a quarter; do I understand you to say the fit lasted an hour and a quarter? From the time I gave her the medicine until she died.—How soon after you gave her the medicine did the fit come on? I went in in about five or ten minutes after that.—Was she all the while of the time from the fit coming on stiff? She was only relieved for a very short time.—How long before her death? A very few minutes.—Was she conscious all the while? Quite conscious.

Mr. FRANCIS TAYLOR sworn.—Examined by Mr. *Welsby*.

I believe you are a surgeon and apothecary at Romsey? I am.—Were you so in the year 1848? I was.—Did you attend Mrs. Serjeantson Smith? I did.—Do you remember being summoned to her house one morning, and on going there you found her dead? Yes, I do.—About what time in the morning did you get there? Soon after, between eight and nine o'clock.—I believe the body was lying on the floor by the bedside? The body was lying on the floor between the bed and some piece of furniture in the corner.—Did you observe in what state the limbs were? They were pointed out by Caroline Hickson.—Did you observe them? The hands were very much contracted.

Lord CAMPBELL.—The hands were clenched? Yes, my Lord.

Mr. *Welsby*.—And the legs? The feet were contracted, turned inwards; the soles of the feet were hollowed up.

Lord CAMPBELL.—The sole and the heel were curved? The toes were contracted and the sole hollowed up.

Mr. *Welsby*.—Unnaturally so? Quite so; remarkably.—Did that appear to have been from recent spasmodic action? Yes, I should suppose so; and the inner edge of each foot was turned up; the foot was twisted.—Did you observe whether there was any extraordinary rigidity about the limbs? They were remarkably stiff.

Lord CAMPBELL.—Was the body still warm? It was still warm.

Mr. *Welsby*.—And the limbs were remarkably stiff? They were.—Did you observe the eyelids? Yes; the eyelids were totally adherent almost to the eyeballs.—I believe the druggist who made up the prescriptions for the family was a person of the name of Jones? He was.—Did you see him shortly afterwards running up to the house in a state of great excitement? I did.—Did you subsequently make a post-mortem examination? I did.—Had you ordered any prescription for this lady on the day before? No, I had not seen her for some time.—How long after death did you make the post-mortem examination? I think it was three days after. At that time did the contraction of the feet continue? The contraction did continue of the feet, but it was gone off somewhat from the rest of the body.—Did you make a post-mortem examination? Yes; that was somewhat the position of the hands three days after death (*describing*).

Lord CAMPBELL.—Semi-bent? Yes.

Mr. *Welsby*.—Did you find any trace of disease in the body? Not any.—In what condition did you find the heart? Contracted, and perfectly empty: I wish to say also that all the large arteries leading to the heart were quite empty, and the blood was fluid.—Did you subsequently analyse the medicine of which she had taken a part? I did, with Mr. Randall of Southampton.—What did you find it contained? A large quantity of strychnia undissolved.—You say a large quantity; can you say how much? I know it originally contained nine grains, of which Mrs. Smith had taken one-third, so that there were six grains left in the bottle.—Did you take out the stomach and bowels? Yes.—Did you make an examination of them to ascertain whether you could find any poison? A very general one, the truth was so apparent of her having taken poison in an easier manner.

The *Attorney-General*.—Did you find any? Yes, as far as it went; the examination was not satisfactory, sufficient for me to swear to: I have no doubt from the rough test that we tried; we did not attend to that, because we had plenty of proof without it.

Cross-examined by Mr. *Serjeant Shce*.

Does it not constantly happen in the cases of death by ordinary convulsions that the body in various parts of it is very much distorted? I am not aware that it shows after death.—Does not the body remain in ordinary cases of death in the position in which the deceased was at the time of death? As a general rule, I should say not; I should think not after death.—I think we have learnt in the course of this inquiry that it is usual to lay out a body very soon after death, immediately after death; supposing that not to be done, does not the body stiffen; does not the *rigor mortis* set in, and continue the corpse in the attitude in which the man dies? Yes, one or two limbs would remain; if an arm was left across the chest it would stiffen so.—If the hand were clenched when the man



died, it would continue so? I do not know of my own knowledge sufficiently as to those facts.—It may well be that corpses are so constantly laid out regularly, that in your experience it may just have happened? There was a difficulty in laying out this body; the ankles were tied with some bandage, some handkerchief, to keep them together.

Lord CAMPBELL.—That you observed? Yes; I forget what the bandage was; the toes wished to turn inwards, and they had to fasten them. I am speaking now from a recollection of eight years.—The handkerchief was employed for what purpose? To bind the ankles together.

Mr. *Serjeant Shee*.—You opened the body; where did you commence in opening the body? The thorax and abdomen.—Did you then open the head? Not until after we had finished the examination of the trunk.—Did you take out the intestines? Part of the intestines; the upper intestines.

Re-examined by the *Attorney-General*.

I do not know whether you examined the spinal cord.—No.

CHARLES BROXAM sworn.—Examined by Mr. *Huddleston*.

Were you apprentice to Mr. Jones in 1848? I was.—A chemist at Romsey? He was.—I believe you were his only apprentice? Yes.—He has since died? Yes.—Do you remember a prescription coming to be made up for Mrs. Serjeantson Smith? I do.—I believe it was a mixture of salicine, orange-peel, and water? It was.—Where was the salicine kept? On a high shelf.—In a small bottle? In a small bottle.—Upon the same shelf was there a bottle of strychnia? Yes.—And there was a mistake made, I believe, in the strychnia for the salicine? There was.

Lord CAMPBELL.—The error was by mistaking the two medicines? Yes.

The *Attorney-General*.—It is right to ask you, it was not done by you; I will ask you that for your own sake; it was not your mistake, but your poor master's? Yes.—And he destroyed himself afterwards? Yes.

JANE WITHAM sworn.—Examined by Mr. *James*.

In March last were you in attendance on a lady who died? Yes.

Lord CAMPBELL.—You need not mention the lady's name.

Mr. *James*.—Do you remember her taking some medicine? Yes.—Do you remember after her taking that medicine she became ill? Yes.—When she was first taken ill, what did she complain of to you? Of her back.—What did she complain of in her back? She said "Will you come to my back?"—Did you attend upon her, and go to her back? Yes, I did.—What did you observe? Her head was thrown back, and I could not get at her back.—Was she in bed? Yes.—Did you observe any twitching? Yes, she had twitchings of the ankles.—What did you observe about her? Her eyes were drawn aside and staring, and when I put my hand in front of her she jumped up; they did not at all relax their rigidity.—Do not mention the name; but in your presence did she request her husband to rub her?

Mr. *Serjeant Shee*.—I must beg my friend not to ask these questions.

Mr. *James*.—Did she make any request to her husband about her legs? No.—Or her arms? No; not at that time.—When was it that you first observed, or when did she first complain of being ill in this way? On the 25th of February.—When did she die? On the 1st of March.—Now, after these attacks of which she complained, did she get better before they came on again? Yes.—Had she several attacks? I saw them; one on Monday, Wednesday, Thursday, a slight one on Friday, and one on Saturday. Did she die on the Saturday? She died on the Saturday.—When was the first attack? On Monday the 25th, the second on Wednesday the 27th, the third on Thursday the 28th.—The fourth? And on Friday a very slight one.—And died Saturday; about what time was it? It commenced about a quarter past 8, and she died at 20 minutes to 11. At night? Yes.—Now, between these attacks, was she at times better? Yes.—And composed? Yes; she was up on the Saturday afternoon.—Without asking you what she complained of at any one of these attacks, can you tell us what she complained of generally in those attacks? Principally a pricking in her legs, and twitching of the muscles in the hands, and she compared them to a galvanic shock; she said she could compare them to nothing else.—Now, during any of these attacks, did you hear her request her husband to do anything to her legs and arms? Yes, she wished them to be rubbed.—She died on Saturday; did she die in one of those attacks? Yes.—How shortly before her death did Dr. Morley come? She was dead when he came.

Cross-examined by Mr. *Serjeant Shee*.

You have told my learned friend she requested her husband to rub her arms and legs?

Yes.—Was that at the commencement of the paroxysms, and before they had become strong? Yes; on the Saturday night she could not bear her legs touched.—Was that the case at all times when the spasms were strong upon her? Do you mean upon the Saturday?—At any time when the spasms were strong upon her? Yes, upon the Saturday.—Were the spasms stronger upon her on the Saturday than on the other days? Much stronger.—What day was it she asked to be rubbed? Every day except on Saturday.—Now, she asked to be rubbed: were her limbs extended? Yes.—Rigidly? Yes.—On the Saturday, during the intervals between the spasms, did she ask to be rubbed? No, she did not speak but once or twice during the Saturday.—During the intervals of the spasms on the Saturday, did touching her bring the spasms on? Yes.—Could she swallow during the spasms? Not on the Saturday; she had a draught given her during the week.—But not on the Saturday? No; her mouth was quite closed.—After death, was her body stiff? Yes: I did not stay long in the house after her death; I left it immediately.—Do you mean within a few minutes? Yes, 10 minutes.—Did she appear to be sensible on the Saturday? From about half an hour to an hour I think she was insensible.—What time of the day was that? From a quarter past 8 till after 9.—How long was she insensible? The remainder of that time she did not speak.—You say she did not speak: have you any reason to think that she was conscious? Her eyes were so fixed we could not tell whether she was sensible or not.

Re-examined by Mr. James.

On the Saturday before she died were the spasms more violent than the other fits which she had had? A great deal.—Were they of the same kind, though more violent? Yes.

Mr. GEORGE MORLEY sworn.—Examined by Mr. Welsby.

I believe you are a surgeon? I am.—Were you the medical attendant upon the lady to whom the last witness alluded? I was.—Had you been attending her for some time before her death for a functional derangement? For about two months.—Now, do you remember seeing her on the Monday before her death? I do.—Did you then observe any peculiarity about the body? She was lying in bed apparently comfortable: whilst by her bedside I observed several convulsive twitchings of her arms.

Lord CAMPBELL.—You were standing by her bedside? I was standing by her bedside.

Mr. Welsby.—Were they slight or strong? They were slight; she had recovered from a more severe attack.

Lord CAMPBELL.—She told you so? She told me so.

Mr. Welsby.—I believe you referred them at that time in your own mind to hysteria? Yes.—And you altered your medicine in consequence? I did.—Did the same symptoms continue upon other days in that week? I saw them once again during the week.—On which day; do you remember? I think on Thursday: I am not sure whether Wednesday or Thursday.—Do you remember seeing her on the morning of Saturday, the day on which she died? I saw her on Saturday.—About what hour was that? The middle of the day: I am not sure of the hour.—She was apparently better then, was she not? Much better.—In a composed state? Quite in a composed state.—Did she complain to you of an attack that she had had in the night? She did.—What description did she give you of it? She spoke of pain and spasms, affections of the back and neck.—What kind of affection? Spasmodic: we may use the term *shock* in describing it.—Is that the whole of what she told you about it? In substance.—Now, were you sent for on the Saturday night hastily? I was.—I believe another medical gentleman went with you? Dr. Hobson.—I believe when you got there you were met with the announcement that she was dead? Yes.—Did you go into the room where the dead body was? We did.—Did you look at it? We looked generally, but made no particular examination.—Did you on the Monday, in company with another medical gentleman, make a post-mortem examination? Yes.—First let me ask you, did you find in any part of the body any disease which could account for death? None whatever.—Were there any emissions? No.—Or any wound or sore? No wound or sore except the place where a mustard poultice had been placed.—Did you observe any particular expression about the countenance? A peculiar expression of anxiety.—Did you observe anything extraordinary about the hands? The hands were semi-bent, the fingers curved.—And about the feet? The feet were strongly arched.—Did you make a careful examination of the stomach and its contents for the purpose of detecting, if you could, the presence of poison? Yes, we did.—I believe you applied several colour-tests, as they are called? Yes.—Will you describe them shortly? I may generally say nitric acid, followed by proto-chloride of tin; sulphuric acid, followed by chloride of potash in the liquid and also in the solid state.—Are



those the proper chemical tests to be applied to detect the presence of strychnia? I believe those are the best: they are not the whole; but those are the best.—Did they in each case produce the proper precipitate? We produced the appearance characteristic of strychnia.—On each occasion? On each occasion.—Did you afterwards make experiments by administering some of the contents of the stomach to animals? Yes, we did, more by inoculation than by administering.—What animals did you use? Two mice, two rabbits, and one guinea-pig: we inoculated with the stuff taken from the stomach: I should say that was after the separation of the strychnine by chemical analysis.

Lord CAMPBELL.—Without any addition? Except the materials used in the analysis.

Mr. Welsby.—What result did you observe? We observed in each of the animals more or less of the effects usually produced by the poison strychnia? Will you describe them? General uneasiness, difficult breathing, convulsions of the tetanic kind, muscular rigidity, reaching backwards, especially of the head and neck, a violent stretching of the legs: that followed in four of the animals: in one in two minutes.—Which was that? The rabbit, another in five minutes, and in the fourth in a little less than an hour, fifty-five minutes.—In the fourth; you have only described three at present? The guinea-pig suffered but slightly at first, and that animal, having been left, was found dead afterwards the next day; the fifth animal, a rabbit, exhibited very strongly marked symptoms of strychnia poison; it lay apparently dead for a while, but it recovered entirely.—And did you observe in the case of any of those animals whether the muscular rigidity continued after death?—It continued after death without any intermission: there was an interval of relaxation, but immediately after death the muscles became very rigid.—You mean more so than at the *rigor mortis*? Yes.—Now did you afterwards make a similar series of experiments on some animals with strychnia itself? We did, a great many.—In a solid or in a liquid form? In both forms.—And were the symptoms and the results generally the same as those you have described in the case of the animals? Exactly.

Cross-examined by Mr. Grove.

Had you occasion, Mr. Morley, to observe in the case that you have been mentioning the recurrence of the spasms when the patient was touched? The animals or the patient?—The patient. No, I did not see the patient during any severe attack.—Did you observe that with the animals?—I have frequently.

Lord CAMPBELL.—When touched it brings on the spasms? Yes, it brings on the spasms.

Mr. Grove.—A very marked symptom, is it not? A very marked symptom, in animals very striking.—Like a galvanic shock directly you touch the animal that has been poisoned? Yes, they give a sudden start, and it passes into a severe spasm.—Did you see in the patient that you have described to us, was she during the period of the time that you saw her in a state of insensibility? Not at all.—Not at all during the time that you saw her? No, not at all.—She could not swallow, I believe? When I saw her she could swallow.—When was that? During the week.—Did you see her during the severe periods of the attack? I did not.—Have you got here your minutes of the post-mortem? I have not, I have a copy.—I will ask a few questions, probably you will recollect enough to tell me, as to the post-mortem examination: the lungs, I believe, were congested? Yes.—Very much congested? Very much congested.—Was there a bloody serum in the pericardium surrounding the heart? In a small quantity there was.—And in the pleuræ? Yes.—Was there a remarkable appearance in the muscles, in their colour? Yes, they were dark and stiff.

The Attorney-General.—Generally of the whole body? The muscles generally.

Lord CAMPBELL.—You mean the flesh? Yes, the flesh.

Mr. Grove.—Was there a large amount of bloody serous effusion over the brain? A decided quantity, I would not say very large.—Were there large quantities of red fluid in the membranes of the spinal marrow? Not a large quantity.—A notable quantity? A notable quantity, but not a large quantity of serum slightly tinged with blood in the membranes of the spinal cord.—Were the large spinal veins much congested? Yes, they were much congested.—And the membranes of the spinal marrow, were they also congested? They were congested.

Lord CAMPBELL.—We may call it the spinal cord I suppose; was that much congested? Yes, much congested.

Mr. Grove.—I believe you opened the head first? We opened the head first.—That led to a good deal of blood flowing from the heart? Yes, from the heart.—Could you judge whether there had been much blood in the heart from what flowed out? It was a matter of inference; it might have flowed from other sources; a part of it would flow from the heart.

LORD CAMPBELL.—You opened the head first and a good deal of blood flowed out? Yes, from the blood-vessels supplying the head; a part of that might come from the heart.—Do you mean during the dissection? During the dissection.

Mr. *Grove*.—That would prevent you having an opportunity of judging properly whether the heart was full or empty, opening the head first? It would make it uncertain; that might partially empty the heart.—Have you examined the hearts of animals that have been poisoned by strychnia? A great many times.—Is not the heart generally full? The right side is generally full.—What is the longest time in animals at which you have perceived the first effect of the poison to come on after it has been taken? In the guinea-pig we observed no severe effects for several hours.—I was not speaking of the animals on this occasion where you took from the stomach of the patient, but where you have administered strychnia itself to the animals? From one to two hours.

LORD CAMPBELL.—In what shape have you administered it? Pure strychnia mixed with food and forced down its throat in a solid state.—You made your experiments in conjunction with Mr. Nunneley? I did.—Do you mean to say you have never seen a case in which there has been as long as an hour? My impression is so.—Have you any case? I have not the notes with me.—Can you speak with any certainty? Some animals lived several hours.—I am speaking as to the effect coming on after the poison has been taken? I think in some animals the interval has been an hour.—Have those animals been in the possession of Mr. Nunneley? Some of them were frogs.—Frogs, I believe, are peculiarly susceptible? They are slower in taking it.—They are cold-blooded animals and differ, though in other respects the symptoms are the same? Yes.—You discovered strychnia by all the tests that you applied? Yes; by all the tests, with more or less distinctness.—Have you in animals detected it where you have searched for it, where you have known it to be administered? Yes.—In all cases? I speak doubtfully; in one or two cases I should feel a doubt, but in almost all cases I have discovered it.

LORD CAMPBELL.—On examination of the body of the animal? On analyzing afterwards.

Mr. *Grove*.—In one or two you speak doubtfully? In one.—Was that a case in which you had some doubt whether strychnia had been taken or not? We were sure that strychnia had been administered, our doubt was whether it had reached the stomach; in that case I may say there were appearances which a sanguine eye might say were not strychnine.—You did not consider it quite satisfactory? Not quite satisfactory.—How long after death have you detected strychnia in the stomach? Nearly two months.—And after decomposition has proceeded to a considerable extent; is that so? Yes.

Re-examined by the *Attorney-General*.

What quantity, Mr. Morley, have you given to the animals which you have killed, and afterwards have analyzed the contents of the stomach? The quantities under a grain to two or three grains.—When you say under a grain, nearly a grain? Between half a grain and a grain.—From that to two grains? Yes.—In what sort of animals? Cats, rabbits, dogs.—How much did you give to the dog? The general dose is from a grain to two.—That is quite sufficient to kill an animal? Quite sufficient.—Tell me how does the strychnia act; is it taken up by absorbents and carried into the blood? I think it acts on the nerves; but a part may be taken into the blood also and act through the blood.—Do you think it acts upon the nerves immediately on its introduction into the stomach? In part.—But it is absorbed, is it not? It is absorbed.—What parts of these animals did you search to find the strychnia, or the presence of strychnia? Generally in the stomach; in one case elsewhere.—Where did you search in the other case? Under the skin: in that case we had inoculated the animal.—I am speaking where it was administered internally; there you searched the stomach? Yes.—Would not that which you found in the stomach be that which was there in excess beyond that which had been absorbed in the system? It would.—Then if I understand you rightly I may draw this inference from what you said; tell me if I am right?

Mr. *Serjeant Shee*.—No; I object to that.

The *Attorney-General*.—I am going to put a very legitimate question; is this your opinion, that the poison being a portion of it taken into the system—

Mr. *Serjeant Shee*.—I am afraid I cannot allow that.

LORD CAMPBELL.—He may propound an hypothesis, and ask the witness if that is correct.

Mr. *Serjeant Shee*.—My friend cannot submit a theory to the witness; it comes under a leading question.

LORD CAMPBELL.—He must not draw the inference from the facts he states, but he may state facts hypothetically.



The *Attorney-General*.—Could it be that that which was absorbed into the system, leaving a portion in the stomach, could affect the system and produce the tetanic symptoms and death, leaving the portion in the stomach which had not come into operation?

Mr. *Serjeant Shee*.—Do not answer the question. I submit it is a leading question, and suggests the answer.

Lord CAMPBELL.—It is objectionable.

The *Attorney-General*.—You say that which would be found in the stomach would be that in excess after the residue had been absorbed in the system; what operation has that which is absorbed into the system? The operation of poison.—Sufficiently to destroy life? Yes.

Mr. BARON ALDERSON.—It has that operation, and leaves some in excess? I wish to say that is rather my opinion from theory than what I could prove.

The *Attorney-General*.—I am asking your opinion as a scientific man; I will ask your reason in a moment.

Lord CAMPBELL.—With regard to the excess? That remains in the stomach; it is inactive.

The *Attorney-General*.—That would produce no operation, that which remains in the stomach in excess? I am not sure that strychnia may not lie in the stomach and act prejudicially without being absorbed: I think it is an open question.—Suppose the minimum quantity administered which being absorbed into the system would be capable of operating to the destruction of life, would you expect to find any in the stomach then? I should expect sometimes to fail.—I have only a question or two to ask you on the subject of the appearance that you found on the post-mortem examination; you told my learned friend that you found some effusion of bloody serous matter on the brain, and also some appreciable quantity of red fluid in the membranes of the spinal cord, and so on; pray, in your opinion, if death resulted from a series of minute doses of this poison administered for a space of several days, would the appearances be likely to be different after death from what they would be supposing death was produced rapidly by one dose?

Mr. *Serjeant Shee*.—Is not that a leading question?

The *Attorney-General*.—I do not know how else I am to put it.

I think it would in some degree; but I should rather connect these appearances with the lengthened and protracted final struggle.—You mean the struggle on the last day? Yes.—May I take this to be your answer, that you would expect a different result—

Mr. *Serjeant Shee*.—I must object to this.

The *Attorney-General*.—Would you expect a different state of phenomena on a post-mortem examination where the patient died after a brief struggle? Certainly.—In this case did you find on the post-mortem examination fluidity of the blood? The blood was fluid.

Mr. *Serjeant Shee*.—Your Lordship will allow me to ask a question on this new matter?

Lord CAMPBELL.—Yes, by all means.

Mr. *Serjeant Shee*.—Is it your theory that in the act of poisoning the poison is absorbed and ceases to exist as poison, as strychnia? I am inclined to think so; I have thought much upon that question; I am not decided in my own mind; I am inclined to think it is so.

Lord CAMPBELL.—Does strychnia when absorbed into the system undergo a chemical change? A part may be absorbed into the system and undergo a chemical change, and a part may remain in the stomach unaltered.

Mr. *Serjeant Shee*.—What chemical reason can you give for your opinion that strychnia, after having effected the operation of poisoning, ceases to be strychnia poison in the blood? My opinion rests on the general principle, the general fact, that in acting on living bodies organic bodies are generally changed; organic substances acting on the human body, such as food or medicine, are frequently changed in composition.—Do you know whether strychnia has not after effecting the operation of poisoning, been discovered in the blood and liver still in the form of strychnia? I do not know that, but I believe it possible.—What is the nature of strychnia; the component parts of strychnia, what are they? Four elements.—Do you know whether it can be decomposed by any sort of putrefying or fermentative process? I have no fact to show that it can, and I doubt if it would.

Mr. EDWARD DUKE MOORE, sworn.—Examined by Mr. *Huddleston*.

Were you formerly in practice as a surgeon? I was.—Were you attending a person that was suffering from paralysis, with Dr. Chambers? I was.—A gentleman of the

name of Clutterbuck? Yes.—When was that? I should say about fifteen years ago.—Had you been giving him some very small doses of strychnia? I had.—I believe he left you and went to Brighton, and returned from there? He did.—When he came back from Brighton did he make any communication to you as to his having taken stronger doses of strychnia? He did.—Now, in consequence of that, did you give him a stronger dose? Yes.—Stronger than you had done formerly? Yes.—Did you make up the medicine yourself? I did.—Can you recollect what the dose was? Yes.—What was it? Shall I first tell you what he took?—No; tell us the dose you made up. I made three draughts containing a quarter of a grain in each.—Did you give one to him? Yes.—He took one? He took one.—Were you there when he took it? Yes, I was: he reported that he had taken three-quarters of a grain during the time he was at Brighton; he had got to that amount.—You say you saw him take one of the draughts; were you sent for after he had taken one of the draughts? No, I remained with him some little time.—Were you summoned to come to him? I left him, as he said he felt quite comfortable.—How long after you had given him the draught were you summoned to come there? I should say about three-quarters of an hour.—When you got there, in what state did you find him? Stiffened in every limb.—How was his head? His head was drawn back, and screaming, frequently requesting that we should turn him, move him, and rub him.—How was his body? All his limbs were stiff, the head drawn back.—What was the shape of his body? The ordinary shape; the spine was drawn back, the head was drawn backwards.—Did you try to give him something? Yes, we did.—What was it? A mixture with ammonia.—What did you give it him with? A spoon.—As you tried to give it him, what did he do? He snapped at the spoon with a sort of convulsive grasp to take it.—How long was he suffering altogether? I should say three hours, more than that before we left him safe.—He lived? He did.—He survived the attack? Yes, he did.—Now, during the whole of the time was he conscious? Perfectly so.

Cross-examined by Mr. *Serjeant Shee*.

This man recovered? Yes, he recovered.—How long was he recovering? I should say about three hours from the first commencement; from the first time I saw him: I should say in three hours we left him safe.

LORD CAMPBELL.—The effects had gone from him at the end of three hours? Yes, quite.

Mr. *Serjeant Shee*.—Do you mean the effect of the spasms or the spasms? The spasms; the rigidity of muscle continued some time after that.—How long? I cannot say.—During the remaining part of the day? During the remainder of the day.—And some part of the next? Yes; I recollect the rigidity of the muscle remained for a considerable time: first, his hands were drawn back in this way (*describing*); when we had got them round and his hands clenched together, he was much easier than when drawn back with the spine and the feet in the same way.—After the contortions and the rigidity of his limbs entirely ceased, did he still retain some bad effects of the attack? No, on the contrary, as he himself said, he thought his paralysis was better.—It was given him for paralysis? Yes, he had been taking it for a considerable time.

LORD CAMPBELL.—Strychnia is given for paralysis? Yes. And persons not afflicted with paralysis would not take it? I believe it is a matter of opinion.

Re-examined by the *Attorney-General*.

It excites the muscles that want to be stimulated? It excites the nerves.—There being in paralysis a want of power, you stimulate by means of strychnia the nerves which act on the voluntary muscles? Yes.

*Adjourned until Monday, 10 o'clock.*

## FIFTH DAY'S TRIAL.

MAY 19, 1856.

Dr. ALFRED TAYLOR sworn.—Examined by the *Attorney-General*.

You are a Fellow of the College of Physicians? I am.—And I believe Lecturer on Medical Jurisprudence at Guy's Hospital? I am.—You are the author of a well-known treatise on that subject? On Poisons and on Medical Jurisprudence.—Now, among other poisons, have you made the poison called strychnia the subject of your attention? I have.—It is the produce, we understand, of the *nux vomica*? It is.—Is there



also in the *nux vomica* any poison of an analogous nature? There is, called *bruchsia*.—Which differs from it only in point of strength? Yes; there are some chemical differences.—What is the relative strength of the two? The whole quantity in *nux vomica* is considered not to exceed from half to 1 per cent. of the two alkalies; the *strychnia* predominates in the bark and in the root.—Of the two poisons, what is the difference? It is relatively estimated from one-sixth to one-twelfth; that is to say, *bruchsia* being one-sixth to one-twelfth the strength of *strychnine*.—Is it sometimes sold as *strychnia*, or mixed with *strychnia*? Most varieties of impure *strychnia* which are sold contain more or less *bruchsia*. So that, unless you are certain of the purity of the articles, you may be misled as to the strength? You may.—I believe you have tried a variety of experiments on animal life with *strychnia*? I have.—Have you ever witnessed an instance of its action on the human subject? I have not.—In how many instances, as far as you can form an estimate, have you tried its effects on animal life? I think about ten or twelve instances.—What description of animal have you experimented upon? Rabbits.—Always rabbits? Always rabbits.—Have the symptoms produced by the poison been uniform or not? Yes, on the whole very uniform.—What quantity have you generally given? A quantity varying from a half to 2 grains and 3 grains; not less than half a grain.—Have you found half a grain sufficient to destroy the life of a rabbit? Yes.—In what manner have you given it; in what form, solid or liquid? In a solid and liquid state.—You have also given it in a liquid state? Yes.—Have you found there was a difference in the time required to show its effects where you administered it in the liquid and where you administered it in the solid form? Yes.—How long has it generally taken on the average before it produced its operation when given in a fluid state? In a very few minutes; two or three minutes.—And how long when you gave it in the solid state? In the solid state, in the form of pill or bolus, from about six to eleven minutes, I think.—Have you found that the time was at all influenced by the strength of the dose? Yes, it is influenced by the strength of the dose, and also by the strength of the animal.—In what way, in your opinion, does the poison operate to produce its symptoms? It is first absorbed into the blood; it is then circulated through the body, and the poison especially acts on the spinal cord.—Is that the part of the body from which the nerves affecting the voluntary muscles proceed? From which they proceed.—Now, suppose absorption of the poison into the blood to have taken place, what time would be required for the circulating process which would bring the matter taken up into contact with the nerves in the spinal cord? The entire circulation through the whole system is considered to take place about once in four minutes.

Lord CAMPBELL.—Are you speaking of the human circulation? Yes; the circulation in the rabbit is quicker.

The *Attorney-General*.—How is it the absorption would be greater in a rabbit? I think it is, from the effects produced; that will also depend on the state of the stomach.—What condition of the stomach would influence that? As to whether there be much food in the stomach, as to whether the poison comes in immediate contact with the inner surface of the stomach.—In your opinion does the poison act immediately on the nervous system while in the stomach, or a portion of it, or must it first be absorbed? It must first, I believe, be absorbed.—You stated a little time ago that the symptoms produced by the administration of this poison, where you have given it yourself, have been tolerably uniform; will you describe the series of symptoms from the commencement to the close? The animal for about five or six minutes does not appear to suffer; it moves about freely and actively; it then, when the poison begins to act, suddenly falls on its side; there is a trembling of the whole muscles of the body.—What sort of trembling? A sort of quivering motion through the whole of the muscles of the body, arising from the poison producing those violent and involuntary contractions; there is then a sudden paroxysm of it; the fore-legs are stretched out and the hind-legs are stretched out, the head is thrown back, and the tail, so as to give it the form of a bow; the jaws are spasmodically closed, the eyes are prominent, protruding; and after a short time they have a slight remission of the symptoms, the animal appears to lie quiet, but the slightest noise or touch reproduces convulsive paroxysms; there is sometimes a scream or sort of shriek, as if the animal suffered severe pain; the heart beats very violently during the fit, and after a succession of these fits the animal dies quietly.—Let me ask you, have you observed whether immediately prior to death there is invariably a remission of the symptoms? Not invariably; I have only known it has died by having the hand over the heart; it has been in a state of spasms at that time; in one or two cases the animal has died quietly, as if there was a remission, sometimes it dies apparently during the spasms itself.—What appearances have you observed after death which would be different from the ordinary appearances of a person who has died, after death—the outward appearances; are the muscles more than

usually rigid? In some instances the animal has been rigid throughout, that is to say, it has died in a spasm, and the rigidity has continued; the muscles so strongly contracted, that for a week afterwards it was possible to hold the animal extended by the hind-legs without the body falling.—Apparently in its natural position? I took hold of it by its hind-legs, so (*describing it*).

Lord CAMPBELL.—That is, it was capable of being held horizontally? Yes.

The *Attorney-General*.—That would continue, you say, for a week? I have found it so long as a week.—Is there anything else? I was going to make this observation, that in an animal killed the other day the body was flexible at the time of death, but it became rigid in about five minutes after death.—Did it continue so? I have not seen it since.—Have you opened the bodies of animals that have been thus destroyed? I have.—Have you found any appearances in the stomach or intestines which would indicate any injury there? No.—In what condition have you found the spinal cord; have you found any injury there? I have found in one or two cases congestion of the vessels of the membranes.—Was that more than was due to the gravitation of the blood after death? Yes.—In other cases, I understand you, you have not found it? I have not found any departure from the ordinary state of blood.

Lord CAMPBELL.—With respect to the spinal cord? And with respect to the brain.

The *Attorney-General*.—I may include both, may I? Yes.

Lord CAMPBELL.—With regard to the brain, have you in any case found a departure? In the case just referred to, the membranes of the spinal cord and brain.

The *Attorney-General*.—Those membranes are a continuation one of the other? They are; so that it is not easy to have congestion of one without congestion of the other.—To what do you ascribe the congestion of those membranes where you have found it to exist? I think it has been due to the succession of fits which the animal has had before death.—You say you have found this to be the case in two or three cases you mentioned. In the majority of instances have you failed to discover any abnormal condition of the spinal cord or brain? That is so; in the majority; in three out of five I found no change.

Lord CAMPBELL.—No abnormal appearance? No abnormal appearance.

The *Attorney-General*.—As to the heart of animals thus killed, what have you observed with reference to that? From all that I have seen the heart has been congested with blood.

Lord CAMPBELL.—Both sides of the heart? The right side especially.

The *Attorney-General*.—Have you ever seen a case of ordinary tetanus in the human subject? I have, but years ago; I have not had much experience of that.—Have you ever seen it in animals? No; I saw one last Thursday week.—What of? Tetanus.—In the human subject? Yes.—What was that from: a wound? From an injury to the finger.—Where was that? In St. Thomas's Hospital.—Did that end fatally? No; the person was recovering.—You have heard the description given by Elizabeth Mills, and by Mr. Jones, of the symptoms which accompanied the attack upon Mr. Cook? Yes.—Do those symptoms appear to you as described similar to those you have seen in animals to which you have administered strychnia? They were.—I think you said that the period it usually took in rabbits, from the first manifestation of the symptoms to death, was about 10 minutes? Yes, it varies from 10 minutes; 10 minutes, I think, was the longest where the strychnia was given in a state of solid.—Are you speaking now of the time it takes between the administration of the strychnia and the first appearance of the symptoms, or are you speaking of the time between the first appearance of the symptoms and the death? I am speaking of the time from the administration of the strychnia to the commencement of the symptoms.—Then you misunderstood me; how long does it take from the time the first symptoms manifest themselves to the time of the death? They have died in various periods: one died in 13 minutes; one in 17 minutes; that I should mention would be the whole time.—Let me ask you first, does it make any difference whether the poison is administered in a fluid or a solid state as regards the duration of time from the first appearance of its effects to the termination by death? The symptoms appear more rapidly when fluid, and death has taken place in five or six minutes after.—Then death takes place more rapidly when it is given in the fluid state? Yes.—Then it will be necessary, in mentioning the times you are now giving us, just to mention whether the poison was given in a fluid or solid state? The experiments which I have particularly noticed and performed lately, and which I am about to detail, have been in reference to solid strychnia.—Then give us the various periods in which the animals died? In the first the symptoms began in seven minutes.—These are all cases of solid poison? All; the animal died in 13 minutes.—In 13, including those 7? Yes, 13



minutes from the time the poison was given: in the second, the symptoms appeared in 9 minutes, the animal died in 17: in the third the symptoms appeared in 10 minutes, the animal died in 18 minutes: in the fourth the symptoms appeared in 9 minutes, and the death took place in 22 minutes: in the fifth the symptoms appeared in 12 minutes, and the death took place in 23 minutes.—Now, in the human subject, suppose this poison to be administered in the shape of pills; should you expect it would take a longer period before the poison began to act? I should.—Why so? Because it requires that the pill structure should be broken up in order to bring the poison in contact with the mucous membrane of the stomach.—In the case of these rabbits which you destroyed by the solid poison, did you not administer it in pills? Yes.—Then what I am asking you is this: Given that the poison is administered in both cases to the rabbit and the human subject in the shape of pills; should you expect a longer period before it began to act on the human subject than the rabbit? I do not think we can fairly draw any inference in the rapidity of death from strychnia between the rabbit and a human subject.—Why? Circulation and absorption are very different.—Would there also be a difference between one human subject and another, with reference to the power of absorption to take a thing up with more or less rapidity? It is very probable that that is the case.

Lord CAMPBELL.—It would depend on the difference of the substance of which it was composed? Yes, and its coming in contact with the stomach early or late.

The *Attorney-General*.—Would the strength of the dose make any difference? It would.—You mean the weaker the dose the longer it would be before it manifested itself? That is to say, a large dose would produce a more rapid effect than a small dose.—Now, have you experimented upon the intestines of animals that you have thus killed, to reproduce the strychnine or to discover it? Yes.—What, in your opinion, would be the correct chemical course to pursue in order to reproduce the strychnia in the contents of the stomach? The principle of extracting it consists in putting the stomach and its contents in alcohol mixed with a small quantity of acid to dissolve the strychnia.—Supposing you took sulphuric acid, for instance, you would thus get sulphate of strychnia? I should.

Lord CAMPBELL.—If there be any discoverable? Just so; the use of the alcohol is to discover it.

The *Attorney-General*.—Having got the sulphate of strychnia, how would you next proceed? The liquid is filtered, gently evaporated, and an alkali added.—I suppose you get rid of the alcohol in that way? Yes.—Supposing you take carbonate of potash? Carbonate of potash is the alkali some prefer, which I have taken. That precipitates the strychnia.—It combines with the sulphuric acid in the sulphate of strychnia, and so precipitates the strychnia? Yes, if present.—Now, besides this mode of getting at the strychnia itself, if there be strychnia present in the stomach, are there other tests? There are tests applied to the strychnia or supposed strychnia when extracted.—What are those; has strychnia a peculiar taste? It has.—What description of taste? A strongly bitter taste.—What other tests are there? It is insoluble or nearly insoluble in water.—In what is it soluble? It is soluble in acid and in alcohol; it is precipitated by alkali.—That is, when it is in combination with something else, I presume? When it has been dissolved in an acid.—Now, with regard to colouring tests, are there any tests of that description? Colour tests are applied to the dry residue after evaporation.—Now, what substances are there which, applied in this way, do produce a change of colour? A mixture of strong sulphuric acid and bi-chromate of potash produces a blue colour, changing through a violet to a purple and passing to a red.—Now, are these colouring tests, as they are called, certain and unerring, or are they liable to be fallacious? I think they are very fallacious, with one exception, when we have strychnia separated in a crystalline state, when we have recognised the crystals by their form and their chemical properties, and above all, where they produce, or the substance produces, tetanic symptoms and death, when introduced into a wound in the skin of an animal.—You may introduce the poison into the system and produce all its effects by introducing it through any puncture or wound into the skin quicker than by introducing it into the stomach? Yes.—And it operates more quickly in that case? It does; it operates more quickly; absorption takes place.—It is carried more rapidly into the circulation? Yes.

Lord CAMPBELL.—It is thus at once introduced into the circulation? Yes.

The *Attorney-General*.—Are there, in your opinion, other vegetable matters to which if these colouring tests were applied, similar results as to colour would be obtained?—There are.—What are those vegetable matters; can you mention any? A variety of substances; a mixture of sugar and bile will produce the purple and red tint.—Anything else? A substance called pyroxanthine.—What is that found in? That substance is a product of the distillation of wood.

Lord CAMPBELL.—What colour will it give? It produces precisely similar colours to those produced by strychnia, so that I have known persons deceived: in my laboratory, in performing the experiments, they have said, you have got strychnine there, when it has been that mixture of pyroxanthine with a small quantity of salicina added to it.—That is the willow-bark? Yes.—That is what the unfortunate lady was to have taken? Yes; allow me to state, in addition, that that mixture which I have just mentioned contains no strychnia, and has a bitter taste; so that it might be mistaken for strychnia by taste as well as by colour.

The *Attorney-General*.—Are vegetable poisons more difficult of detection by chemical processes than the mineral ones? They are.—And the tests, if I understand you, are more fallacious? They are.—Have you yourself, in the case of animals you have destroyed by strychnia, endeavoured afterwards to discover its presence? I have.—In how many instances have you tried to do so? In four different cases.—Were you alone, or assisted? Assisted by Dr. Rees; he was in conjunction with me.—Was that at Guy's Hospital? Yes. What tests did you apply? We applied the process that I have first described.—That is, if I understand you, that you endeavoured to reproduce the strychnia, if present, and then applied to it those colouring tests which you mentioned to us just now? Yes.—Is that the course you pursued? Yes, and the effect of taste.—Were you able in those instances to satisfy yourself of the presence of strychnia? In one case by the colour test; in another case there was a bitter taste in the liquid, but no indication of strychnia by the colour test.—That disposes of two cases out of the four; in the other two was there any indication at all of the presence of strychnia? None whatever.—What dose had you given in the case in which you discovered by the taste and by the colour that there was strychnia? Two grains at intervals.

Lord CAMPBELL.—That is in the first case you mentioned? Yes, where it was discovered by the colour test.

The *Attorney-General*.—What dose had you given where you had a bitter taste, but no indication by the colour test? One grain of strychnia.—What dose had you given in the two instances in which you failed to indicate any presence of strychnia? One grain in another case and half a grain in the remaining one.—How do you account physiologically for the absence of any indication of strychnine where you know strychnia to have been given, and to have caused death? By absorption into the blood.—So that it is no longer present in the stomach? No longer in the stomach; it is in a great part, too, changed in the blood.—How do you account then, in the case of the larger dose, for the presence of strychnia? There would be a retention of some not absorbed.—That would be in excess beyond what was required for the destruction of life? It would.—Supposing the minimum of the dose to be given, would you find any? No, I think not.—That is the minimum of the quantity required to destroy life? Yes; it would be removed by absorption, and no longer discoverable in the stomach.—The smallest quantity you have ever tried on a rabbit has been half a grain? Yes.—Now, are there any chemical means you are acquainted with whereby the presence of this poison can be detected in the tissues? There are not; there is no process that I am acquainted with when it is in a small quantity, if it exists there; so far as I know it cannot.—Will you tell us, suppose a grain dose to have been administered to any animal, human or other, what quantity would be due if it is carried into the system through the circulation to any given part of the animal organisation? Half a grain has destroyed life.—Supposing it to be absorbed, take the half-grain, or the grain, whichever you administer, and suppose that to be absorbed into the system by means of the circulation, what proportionate part of the dose so administered would be due to any portion of the body? If you will allow me, I can tell the portion contained in the blood.—Suppose the half-grain to be absorbed internally into the blood, what proportion does that bear to the total quantity of the blood circulating in the system? Assuming the quantity of blood to be at the lowest 25 lbs.—You are speaking now of the human subject? Yes, that would be one-fiftieth part; that is to say, one-fiftieth of a grain in a pound; a physician in Canada has died from that dose in twenty minutes.—From half a grain? Yes.—In addition to this distribution of the half-grain over the whole system, in your opinion, does that undergo decomposition as it mixes itself with the animal tissues? I believe it partially undergoes some change in the blood.—Would that increase the difficulty of detecting it in the tissues? It does; I have never heard of its being separated in a crystallised state from the tissues.—Are the crystals peculiar in form? They are.—What is the form of them? They present themselves under the form of octohedron and quadrilateral prisms terminated by a four-sided pyramid; sometimes the prism is wanting, and then the two are close together, to form the octohedron; there are other organic substances crystallised something like them, so that a chemist will not rely on a crystallised form.—Now I believe that after the post-mortem examination had been held



on the body of the deceased Mr. Cook some portion was sent up to you? It was.—By whom was it delivered to you? It was delivered to me by Mr. Boycott.—In what was it contained? In a brown stone jar.—Was the jar fastened down? It was.—How was it fastened? It was covered with bladder, tied and sealed.—What did it contain? It contained the stomach and the intestines of John Parsons Cook.—I believe you experimented upon that with a view to ascertain if there were any poison present? Yes.—What poisons do you seek for in the first instance? We sought for various poisons.—Tell me what? Prussic acid, oxalic acid, morphia, strychnia, veratrea, a poison of white hellebore; the poisons of tobacco, hemlock, arsenic, mercury, antimony, and other mineral poisons generally.—Now did you find any of those? We only found small traces of antimony.—Now, with reference to the search for strychnia, was the part which you had to operate upon in a favourable condition for finding that poison, if it had been there? The most unfavourable that could possibly be.—Explain why? The stomach had been completely cut from end to end; all the contents were gone, and the fine mucous surface on which any poison, if present, would be found, was lying in contact with the outside of the intestines, all thrown together.—Was there any succulent matter present also? There was; on the surface of the mucous membrane, derived from the intestines, the contents of which partly escaped.—The inside of the stomach had been forced into this mass of intestinal succulent matter? It had; at any rate, it was lying so.—That was the fault, or misfortune, of the person who had dissected? I presume so; in journeying up to London it must have been shaken about in every possible way.—And though there were the contents of the intestines, the contents of the stomach were not there; they were gone? They were gone.—If there had been any of this poison present, where would you have expected to have found it; in the contents of the stomach, or the contents of the intestines? In the contents of the stomach and on the mucous membrane.—Had you afterwards any other portion of the body brought up to you to be experimented upon? At my request other portions of the body were sent.—What were those? The liver, the spleen, and the two kidneys; in addition to that, a small bottle of blood, unlabelled; that is to say, giving us no idea whence it was taken.—By whom was it delivered to you? Mr. Boycott.—Did you analyse those portions? We analysed all.—What did you more particularly search for in this last-mentioned portion? In the liver and kidneys we searched for mineral poison.—Did you discover any? We discovered antimony in an eighth part of the liver; we analysed only the left kidney and the spleen, and they all yielded antimony; there were traces of antimony in each; the quantity was less in proportion in the spleen than in the other parts.—Did the blood yield any antimony? The blood contained antimony.—Now what process did you resort to to produce the antimony? It was reproduced, or brought out, by boiling the animal substance in a mixture of hydrochloric acid and water; copper in the shape of foil and gauze; it is a sort of web of fine-woven copper, which was introduced while boiling, and the antimony was deposited on the copper.—Having got it on the copper in this manner, did you apply any tests to it? Yes, we applied various tests.—The known and established tests for that purpose? Yes.—Will you mention any one of them? The experiments have been performed lately in the presence of Professor Brande; the copper had a violet colour, which was one character of the antimony; then it was fixed.—In short, you applied the well-known chemical tests for the detection of antimony? Yes, I entertained no doubt of it.—You say this was done in the presence of Professor Brande and Dr. Rees?—Dr. Rees assisted me in the analysis; Professor Brande has seen it subsequently.—Have you any of the antimony, as produced? There is a small quantity still remaining on the copper (*producing it*).—You say you detected some of it in the blood? Yes, in the small bottle.—Would the fact of its being found in the blood enable you to form any opinion as to how shortly before death the antimony had been given? It is impossible to say with any precision, but I should say shortly before death; that is to say, within some days; the longest period known at which antimony has been found in the blood, after a person has ceased to take it, was eight days.—How soon after being taken into the stomach would the antimony get into the blood? Within my own knowledge the earliest period has been eighteen hours; the analysis was made of the liver.—In that case? Yes, the boy died eighteen hours after taking a dose of antimony, and then I found that in the liver.—Was it a very large dose? No.—That was not the cause of death? No, not at all; it was a medical dose prescribed for him; about six grains of antimonial powder.—Antimony is usually given in the form of tartar emetic? It is.—And acts as an irritant to produce, and produces vomiting? It does.—Suppose it be given in rapid doses, will a portion of it beyond what is ejected by the stomach find its way into the blood and into the system? It would.—If it continued to be given in continued doses of that description, would that in your opinion destroy life? It would, if it produced certain symptoms; it may be given in frequent doses with impunity, and it may be given so as to produce symptoms which will infallibly

destroy life, if continued.—Did you hear the account given by the female servant, Mills, of the frequent vomiting of Mr. Cook. I did.—Did you also hear the account given of his vomiting at Shrewsbury? I did.—Did you also hear the account given by the medical men, Gibson and Jones, and Dr. Bamford's deposition as to the concomitant symptoms? Yes.—Would, or would not, in your opinion, the vomiting you heard described, be such as to be liable to be produced by antimony? It would.—Is it soluble in fluids? Tartar emetic is.—Does that affect the colour of any fluid in which it is mixed? Not in small quantities.—That is to say, would such a quantity as would suffice to produce vomiting affect the colour of the fluid with which it was mixed. No; I think not.

Lord CAMPBELL.—It would not affect the colour? I suppose brandy or wine you refer to.

The *Attorney-General*.—Broth or toast-and-water? It would not affect the colour of it.—Now from these traces of the antimony in these parts of the body to which you have referred, could you form any judgment as to the time when the antimony was taken? It is impossible to say with any precision, but I should say within two or three weeks at the outside; within three weeks I should think.—You mean before death, I presume? Yes.—It must have been, in your opinion, within three weeks before death? I think so.—How recently might that have been? We did not find any perceptible quantity dissolved in the fluids of the body and the washings of the stomach; therefore I should infer there was no evidence of any given within some hours of death; I know by experience it takes a shorter time to get to the liver.

Lord CAMPBELL.—Might that have been administered within a few days before death? Yes; I think that which I found in the liver might have been administered within 18 hours of death, or within two days.

The *Attorney-General*.—I asked you about the colour, but I omitted to ask you about the taste; does antimony affect the taste of anything in which it is given? No, not in quantities in which it would cause vomiting.—Suppose a person tossed off a quantity of fluid with which there was this stuff mixed, do you think it would leave any taste upon the throat? It might, according to the quantity present, leave a sensation in the throat; a large quantity taken at once; it might leave a choking or constricting sensation, as if the throat were contracted.—Let me ask you this; in the various analyses that you made, did you find any trace of mercury? No.—If mercury had been recently taken, should you have found it? According to the quantity taken.—What quantity should you expect to be taken to leave a trace? If a few grains had been taken recently before death I should have expected to find some trace in the liver.—Suppose a man had been taking mercury for any syphilitic affection within anything like a recent period before death, should you have expected to have found it? I should.—How recently before death might the mercury have been taken in any quantity for that purpose, so as to leave its traces on the liver, or in any of these tissues that you examined in Cook's case? It is very slow in passing out of the body, so that if given within two or three weeks from death there would be some traces in the liver, or if given within a few hours from death there might be some in the liver.—What quantity given shortly before death would you expect to find appreciably in the liver from post-mortem examination? I think an amount of three grains, three or six grains might thus leave some trace; but it is impossible to give any precise answer to that; I have a recollection of two or three grains of calomel having been given 24 hours before death, and I found mercury in the liver; that is the only fact I can give an opinion of.—Half a grain administered each day three days before death would be hardly enough; you would hardly expect to find that? Supposing it to be frequently given, not thrown off the stomach, I should expect still to find some trace of it.—Supposing it to be one grain say each day for four days, you would expect to find it? Then I certainly should expect to find some traces in the liver.—Suppose four grains to be taken in the period of four days? Yes, and in divided doses more favourable for absorption.—Did you attend to the evidence which was given as to the deaths of Mrs. Smith and of Agnes French, and of the lady referred to? I did.—And the case of the gentleman of whom Mr. Moore spoke? Yes.—Judging by the results of your own studies and experiments with reference to the effect of strychnia, do you coincide in opinion that those deaths were occasioned by strychnia? Yes.—Do the symptoms of Mr. Cook's attacks appear to you to be of a similar character with those of the cases that I have been just referring to? They do.—As a professor of medical science, do you know any other cause in the nature of human diseases to which the symptoms of Mr. Cook's death can be referred except to strychnia? I do not.

Cross-examined by Mr. *Serjeant Shee*.

In the course of your examination, while speaking of antimony, you have frequently



used the words "trace of antimony"? Traces.—Traces and trace, what was the meaning of trace? A very small quantity.—Trace in ordinary parlance we know means a small quantity? Yes.—But in analytical chemistry does it mean an imponderable quantity? I do not apply it in that shape.—It is so frequently used, is it not, in chemical language? It is; some chemists mean that.—Centesimal, millesimal, infinitesimal quantity would be called a trace? I have heard an infinitesimal quantity called a trace.—You do not use it in your examination in that sense? I mean we obtained some quantity in that sense from many parts; and that the quantity thus calculated would make up a ponderable quantity in the whole.—Will you allow me to see the gauze before you? That is a very small residue of what we obtained.—What you discovered altogether in all the parts of the body examined would make up a ponderable quantity? We have about half a grain.—You did not actually ascertain it to amount to half a grain? No.—Or even to a quarter of a grain? I do not think a quarter of a grain would explain the quantity we obtained.—Would you undertake to say positively there was a quarter of a grain found? I will undertake to say there was half a grain to the best of my judgment.—In all parts of the body you examined? There was more in the part of the body examined, but we extracted that quantity.—Was it antimony, or in a state of tartar-emetic? Antimony.—In your judgment would that be sufficient to cause death? No.—Will you have the goodness to tell us (if you have them written down it will be sufficient if you hand them in) what tests you used for the antimony? The animal substance was blood; I have described it.—You told us as far as getting a deposit in the copper-foil or gauze, and then you said you applied the usual tests to that, by which you discovered antimony? Yes.—That is all I want to know.

(Lord CAMPBELL read over his notes of the part of the evidence referred to.)

Mr. *Serjeant Shee*.—Then he said he applied the usual tests: now I ask him what those tests were?

Lord CAMPBELL.—All well-known chemical tests for the detection of that: you wish to know what they are? Under the circumstances, only arsenic or antimony could be deposited on copper; then we applied heat to the deposit on the copper; no sublimate of arsenic was obtained: we cut up some of the gauze containing the deposit, we heated it with nitrate of soda in a platina crucible; that converted the antimony to antimonial soda; that was dissolved, or rather diffused, in water containing a little hydrochloric acid, precipitated by sulphuret of hydrogen, and the precipitate after 24 hours was deposited; it had a reddish-brown colour, like the sulphuret of antimony, and like it was soluble in strong hydrochloric acid; and there were, in addition, two other processes: one part of the acid solution of Mr. Cook's stomach was placed in a glass, and a piece of tin immersed in the acid solution; there was a black deposit on that indicative of antimony; some of the same acid solution was placed in contact with pure zinc; there was also a black deposit on the zinc: and when the whole was dissolved in hydrochloric acid, the black precipitate was converted into antimoniac acid, peroxyde of antimony: I have no doubt whatever, from 13 years' practice in those tests or those processes, that it was antimony.—I suppose the failure or inaccuracy of one step in the long process, or the badness of the quality of one of the materials used, would entirely defeat the effect? It might affect the result, but I used pure materials.

Lord CAMPBELL.—That will be matter of observation.

Mr. *Serjeant Shee*.—Such an accident might take place without your having any intimation of it in the course of the process? No.—You think not? No.—You say that the antimony that you discovered must have been taken within three weeks? That is my opinion; it may have been taken within that period.—Is that an opinion formed as well by experiments upon the human subject as upon animals? It is formed on the observation of the rapidity with which antimony gets out of the body.—In animals as well as in man? Not so much in animals as in men.—Does it differ in animals and men?—I have not tried those experiments on animals.—Have you any reason to think it would get out as quickly in animals as in men? I should think probably more quickly.—Are you acquainted with the works of Orfila? Yes.—Is he not in the highest ranks of analytical chemists? He was; he is dead.—Would you have any doubt, if you found in his work that it was found in a dog 4 months after the ingestion? Just be so good as to read the quantity taken.—The quantity is a French quantity, but I will read it? I know the quantity; he took about 45 grains.—"A dog who for 4 entire months had taken no emetic, having taken 3 grammes in 10 days" (which is about 45 grains in 10 days), "but who had not taken any for 4 entire months, the metal was found accumulated in the bones; the liver contained also a great deal, and the other tissues but very little"? Will you pass the book to me?—I will read it to you in the French, if you like? There is no question about the fact, that when antimony has been long in the body it passes into the

bones; I have said nothing about Cook's bones.—This is in the liver? There may have been some in the liver, because it remains a long time in that; but we found it in the spleen and the kidneys.—I will give you another immediately preceding? Besides, I do not think you are reading Orfila's experiments.—I will read it in the French? But they are not Orfila's experiments; Orfila is quoting the experiments of another person.—Be it so? You attributed it to the character of Orfila.—In point of fact, that is the case with every single instance in your book? No, I do not say that.—We will see that presently? What I wish to say is, you are quoting experiments which were not performed by Orfila.—I do not say they were, but I find it in his book; I read this to you out of his book: "A dog was killed 3½ months after all antimonial administration to him had ceased; he had taken 3 grammes" (which is 45 grains) "of emetic in 10 days"? Where was the antimony found?—That is what I meant: "Antimony was found condensed principally *dans la gras*"? In the fat.—So I thought: "It was found condensed in the fat; the liver contained some of it, also the bones and the other tissues; about 50 grammes of it furnished as much as 500 grammes of the rest put together"? I know, after antimony has been 4 months in the body, it goes out of the liver, kidneys, and spleen, and goes into the bones and fat.—I do not see how it gets out of the liver, because he writes, "The liver contained some of it as well as the bones"? Let us have it quite fairly; if you read the last part about the proportion contained in all the tissues, compared with what was contained in the fat.—I think I read it you all? You will see what an enormous difference it makes.—You pointed it out; but still it does not affect what I called your attention to, that after 3½ months the liver contained some of it? Some of it; and allow me to tell you this, that 45 grains given to a human being over 10 days in food is not a case which I am at all supposed to give an opinion upon; I have never known such a case.—And in the next instance (the one I read to you first; it was after 4 months), "The metal had accumulated in the bones; the liver also contained a great deal, the other tissues very little"? Then, I think, it proves clearly this; if any person was to take 45 grains of antimony over a period of 8 or 10 days, possibly some might be found in the liver after 4 months; everything must depend on the dose and the mode of giving it.—I suppose it requires a pretty good dose to poison people? Not such a pretty good dose as you think: it depends on the mode of giving it more than the dose: a dog has been poisoned by 6 grains given in a certain way; but you have not mentioned that two of the dogs died in that case from the effects of the antimony.—There are other cases, then; what I have called your attention to I have done formally, as far as I was enabled to do so; but I have no objection to call your attention to that, if you like? There are two cases of dogs that died from it.—There is one just above; a dog fed 10 days with aliments mixed with emetic, 3 grammes, that is 42 grains, in the whole, died 6 days after they had ceased to give him that aliment? Yes: when antimony has been given in that way to animals for some time, it generally affects the liver: the persons whose experiments you are quoting have found that the liver became fatty and brittle: Cook's liver presented nothing of the sort; therefore I should infer from the absence of any change in the liver, the dispersion through the kidneys, the spleen, or intestines; there is nothing said about that in the dogs.—You mean in the two first I mentioned?—Those you mentioned of a long duration: I should infer that the antimony in Mr. Cook's body had been much more recent than those experiments would show; but I cannot decide positively when antimony gets out of the body; it differs in different persons: the best opinion I can give is, it is within 2 or 3 weeks of death: I had to analyze the body of a person who had taken 3 grains 24 hours before death, and it had all cleared out: in 4 months it got out of the fat and bone; you did not find it in the stomach and bowels.—But we find it in the liver? But not in the stomach and liver: I do not form my opinion from one case, but from all.—When were you first applied to to investigate this case? On Tuesday, 27th November.—By whom? By Mr. Stephens, introduced by Mr. Warrington, Professor of Chemistry to Apothecaries' Hall.—Did he put you in communication with any solicitor? Not on that occasion: I do not think he mentioned it: I am not sure whether it was on that day, or subsequently, he mentioned Mr. Gardiner's name.—Had you known Mr. Gardiner before? No.—Had you been at all concerned in any recent cases at Rugeley before that? No.—After Mr. Stephens spoke to you these jars were sent up? No; he came with it: Mr. Boycott and he came together.—You wrote a letter on the subject; and is this a passage of it: "We do not find strychnia"?

Lord CAMPBELL.—You must read it all.

The Witness.—Read it all, if you please.

Mr. Serjeant Stee.—Of course I shall read it all. I believe, with submission to your Lordship, I may question him, undertaking to read it immediately afterwards.



Lord CAMPBELL.—No.

'The Witness.—I would rather have it all read.

Mr. *Serjeant Shee*.—I will read it all to you then. It is in reply to a letter received from Mr. Gardiner.—“Dr. Rees and I have compared the analysis to-day. We have sketched a report, which will be ready to-morrow or next day. As I am going to Durham Assizes on the part of the Crown, in the case of *Reg. v. Wooller*, the report will be in the hands of Dr. Rees, No. 26, Albemarle Street. It will be most desirable that Mr. Stephens should call on Dr. Rees, read the report with him, and put such questions as may occur. In reply to your letter received here this morning I beg to say that we wish a statement of all the medicines prescribed for deceased (until his death) to be drawn up and sent to Dr. Rees. We do not find strychnine, prussic acid, or any trace of opium. From the contents having been drained away it is now impossible to say whether any strychnine had or had not been given just before death, but it is quite possible for tartar emetic to destroy life if given in repeated doses; and, so far as we can at present form an opinion, in the absence of any natural cause of death, the deceased may have died from the effects of antimony in this or some other form.” Was that your opinion at the time? It was.—That the man had so died in the absence of any other cause? That was all we could infer from the chemical analysis.—Have you not told me to-day that the quantity of antimony that you found in Cook's body was not sufficient to account for death? Perfectly so; but what was found in Cook's body was not all that he took: if a man takes antimony.—Do you wish to add to your testimony? I do, because I see it is only a little misunderstanding: if a man takes antimony it produces this effect; first, he vomits, by which some passes out of the body; some may escape by the bowels; there is a great deal that passes at once by absorption, and is carried out with the urine: I find by Orfila, whom we are all inclined to rely upon, that, from 4 to 17 hours, antimony is found chiefly in the urine.—Do you mean, on your oath, to say from such traces as you found in Cook's body of antimony, you were justified in stating your opinion that his death may have been caused by antimony? Positively and decidedly so: the amount found in a dead body is not the slightest criterion of what he may have swallowed: I have sometimes found less arsenic in a body than would account for death.—But if the amount found is not the slightest criterion of what may have been administered, how does that justify you, as an analytical chemist, in stating your opinion so small a quantity may have caused death? I have not said what quantity may have caused death: I have said a certain quantity was found in the body, which may have been the residue of what had caused death: I will explain it to the Serjeant; I see the point you are working at.—Do not explain unless necessary to make your answer understood: I do not want speeches, I want answers.—I do not intend to make any speech: we found antimony in this body, and we could not account for its being there: I wrote to know whether antimony had been given as a medicine; and I considered, as people had died from antimony, it was necessary to have information of the symptoms connected with the man's death, which I knew nothing about at the time; finding antimony there, and no explanation, I put it as the only hypothesis to me to account for death.—At the time you wrote this, that in your opinion the man had died from the effect of antimony, had you any reason to think any undue quantity had been administered to him? I could not speculate on that from the quantity there, for I did not know at all what quantity he had taken, or whether it had been prescribed medicinally.—Do you mean by this opinion merely to state that it was barely possible he might have taken so much that he was poisoned by it? The opinion was based upon this, that antimony may have been the cause of death: many people will die from small and some from larger quantities.—Antimony in sufficient quantity? Yes; the quantity found in the body is no criterion of what is taken.—May not the injudicious use of quack-medicines containing antimony, such as James's powders or other mixtures, have accounted for as much antimony as you found in the body of Mr. Cook? Any antimonial preparation would account for it.—An injudicious use of James's powders? Yes.—Or even the judicious use? It may be so.—Do you mean to say, with that knowledge, consulted by a gentleman who appeared to entertain suspicions, that you felt yourself authorised in giving an opinion that this man died from the poison of antimony? You are perverting my meaning entirely; I must really say, what I said in my conclusion was this, “that antimony under the form of tartar emetic may occasion vomiting and other symptoms of irritation, and that in large doses it would cause death, preceded by convulsions:” then, “that antimony and tartar emetic may be given as a safe and innocent medicine.”—What are you reading from; this is not your letter? It is my report; I do not see you are justified in making use of a private letter to a solicitor; I sent in a report.

Lord CAMPBELL.—Put that aside, if you please, Dr. Taylor; the learned counsel is regularly examining you on the contents of that letter.

Mr. *Serjeant Shee*.—If I have misunderstood the last passage of the letter, I will read it again: "We do not find strychnia, prussic acid, or any trace of opium; from the contents having been drained away, it is impossible to say whether any strychnia had or had not been given just before death; but it is quite possible for tartar emetic to destroy life if given in rapid doses, and, as far as we can at present form an opinion in the absence of any natural cause of death, the deceased may have died from the effects of antimony in this or some other form." Yes; Mr. Stevens had told us he was in very good health about seven or eight days before his death.—I do not think we can have that.

Lord CAMPBELL.—Yes, you must have what was communicated at the time.

Mr. *Serjeant Shee*.—There was a letter previous to this? There was a letter, which that was an answer to; Mr. Stevens told us his step-son was in very good health at Shrewsbury races, that he was taken very sick there, that he was ill for six or eight days, and he died in convulsions; without any further particulars, we were led to suppose he had not died a natural death; there was no natural cause to account for death, and, finding that antimony existed throughout the body, we drew the conclusion that it was a possible cause of death.—Then, when you are consulted as an analytical chemist, do you enlighten your judgment by all the hearsay statements that the person consulting you chooses to make? I do not enlighten my judgment by that; I endeavour to procure the information necessary for an analysis.—Cannot the analysis be made quite as effectually, as an analysis, without any information at all? No, it cannot; the chances are that poisons may be often lost; there are 100 poisons that may destroy people.—Then you think it necessary, before you can rely on an analysis, to have a long statement of the symptoms before death? No; a short statement will do.—And you rely upon hearsay, as well as what is stated on a man's own knowledge? I place no reliance on it at all; I just check the statement by the result.—But you do allow your judgment to be influenced by the statement of a person who knows nothing of his own knowledge, but only what he has heard? Not in the least degree; I do not allow my judgment to be influenced in any way on such a matter.—Do you mean to say, what Mr. Stevens told you did not assist you in arriving at the conclusion which you have stated in writing to Mr. Gardiner? As far as that is concerned as a possible case, not as a certain case.—You do use words to that effect, certainly, "as far as we can at present form an opinion in the absence of any cause of death, the deceased may have died from the effects of antimony in this or some other form"? Yes.—That is correct? If you are quoting from my book I should be obliged to you to give me the page; it is so often misquoted, that I find that is quite necessary.—This is at page 491 of the first edition of your book on 'Poisons:' "A medical jurist must remember that the identity of tartar emetic in the contents of a stomach is by no means a proof of its having been taken or administered as a poison, since it is frequently prescribed as a medicine; we can only infer it existed as a poison or caused death when the quantity present was very large and there were corresponding appearances of irritation in the alimentary canal; still less would the discovery of it in a mixture except in large proportions be evidence of an attempt to poison"? That means, if we had found a large quantity in the stomach or bowels, we should come to the conclusion the man had died of it; finding only a small quantity through the body, we say *he may* have died of it.—Look at your first page; is this right? after the definition of a poison you say, "It would if admitted exclude a very large class of substances, the poisonous quality of which cannot be disputed, as, for instance, salts of lead, copper, zinc, and antimony, which are only poisonous when administered in very large doses." In the ordinary way; but if you spread the large doses over a long period you equally kill the person; in the case of those dogs, they took 45 grains over 10 days, and they were killed by the dose.—You attended at the coroner's inquest on the body of Mr. Cook? I did.—On what day did you go there first? I think it was on the 14th of December as near as I can remember.—Were you there at the commencement of the inquest, or had some of the evidence to be read over to you? Some of the evidence was read over to me.—Do you remember who was the first witness examined when you were there; I will give you the names if you like? I think Dr. Harland, but I am not quite sure; the post-mortem examination was gone into first.—Did you hear Mr. Bamford examined? Yes, I did.—Did you hear Lavinia Barnes examined? Yes, I think I heard Lavinia Barnes and Elizabeth Mills.—Did you hear Charles Newton? I am not quite sure about Newton.—Did you hear Jones? Yes, I heard Jones.—Will you tell me, before you went to that inquest, how many of those ten rabbits that you spoke of had been experimented upon? I had experimented some years ago upon five, and experimented on those connected with the analysis with the poison given in a solid state since the inquest.—I mean the ten you first spoke of; you tried a variety of experiments in animal life upon ten rabbits, five of them you say years ago; how many years ago? When I first began to lecture on medical jurisprudence.—How long ago was that? 23 years ago.—Is that the only knowledge of the effects of strychnia



poison on animal life which you had when you wrote that book? That was all; I have a great objection to destroy life except from great necessity.—Do not you consider great necessity arises when it is for the purpose of saving human life and detecting crime? That may be so; but every toxicologist will not sacrifice 100 rabbits when the facts are all ascertained from other sources; I did not feel myself justified in going on on points which I knew were well established.—When did you experiment on the last rabbits? Since the inquest.—Do not you think it is rather rash to judge of the effects of strychnia poison on man by so small an experience as that of ten animals of a particular species? I think you must add to experiment the experience derived from the study of poisons of something like 25 years.—That is study founded on the experiments of others? And your own collection of cases.—Do not you think a rabbit is a very inferior animal to select? No.—Would not a dog be much better? Dogs are very dangerous to handle; I have a very great disinclination to meddle with them.—Do you really mean to give me that as your answer? I know that dogs and cats are considered to bear a greater analogy to the human being for this reason, that they readily vomit while rabbits do not vomit; now a rabbit is a much more manageable animal, and I have not pretended to settle either the time of death or the quantity that will destroy life; I merely pretend to discover the physiological fact.—I take your answer that the reason you have not experimented on dogs is that you are afraid of them? Well, from the experiments I have tried on them I have had no inclination to go further.—You admit they would be better to experiment upon, particularly as to the action of respiratory functions, than a rabbit? No, I do not.—But as to the effect of poison, would they not be? No, I think the rabbit is quite as good as any animal that can be selected; the poison is retained and shows its operation.—You went to the inquest, were you in the company of Mr. Gardiner? Mr. Gardiner was there; the first time I saw him was in the inquest-room.—Did you suggest questions to the coroner? I did.—Personally, or through Mr. Gardiner? Personally addressing him; I saw that he did not quite—“Stop a moment, answer my question: did he put them? Yes, he did, or they were answered by the witnesses on my merely addressing them.—Were Mr. Jones and Mills examined before Roberts? That I do not remember.—You remember Roberts being examined, do you not? I think Roberts was examined afterwards.—And you examined after him? I really cannot tell the order in which the witnesses were examined; the only evidence I particularly attended to was the medical evidence, and the statement of Mills and Barnes.—You heard Roberts say, did you not, before you gave your opinion, that the prisoner had bought strychnia in his shop on the Tuesday? I think not; Roberts was examined after me, but I knew strychnia was bought before we sent in the Report.—You knew that before? Yes, it was in Mr. Gardiner's letter to which that was a reply which the Serjeant read; Mr. Gardiner gave the information in that letter, I do not know whether it has been produced, that strychnia, prussic acid, Batley's sedative of opium, had been bought by the prisoner; that was before the report was signed.—You mean bought on the Tuesday? Yes.—I had not seen that letter? That led to my putting in the letter which you read, that no trace of strychnia, prussic acid, or morphia, had been found; that was an answer to the inquiry; it was ten days before the inquest that I knew it.—Then it was with that knowledge, and after hearing the evidence of Mills and Jones, that you gave your opinion? Yes; I do not associate that knowledge at all with the facts; we signed the report after we knew strychnia had been bought; we did not allow it to influence our judgments in the least degree.

[*At the request of Mr. Serjeant Shee the Deposition of Dr. Taylor before the Coroner was read by Mr. Straight.*]

Your evidence having been given on that occasion, you returned to town, I suppose? Yes.—And I suppose you soon after knew that the prisoner had been committed on the charge of Wilful Murder? Yes.—And you knew of course that his life depended in a great degree on your opinion? No; my opinion was in reference to the death by poison; I expressed no opinion of the prisoner's guilt.—You knew that you would be examined as a witness in all probability upon his trial? Yes.—Did you think it your duty, knowing that, to abstain from all public discussion of the question which might influence the public mind? Yes.—Did you write a letter to the ‘Lancet’ on the subject? I did, contradicting several misstatements which were made regarding my evidence.—Now, I will have the whole of that letter read, if you and my Lord think right.—Yes; and the date, if you please.

Mr. Serjeant Shee.—The date is January, 1856; there is no more precise date to it than that; the newspaper is dated February 2nd.

Mr. Straight.—“Correspondence. ‘*Audi alteram partem.*’ The Rugeley Suspected Secret Poisoning Cases. A Communication from Alfred S. Taylor, M.D., F.R.S., Professor of Medical Jurisprudence at Guy's Hospital, to the Editor of the Lancet.”

The *Witness*.—That was in answer to what had appeared in a previous journal.

Mr. *Serjeant Shee*.—Is the "*Audi alteram partem*" yours? No; it is not.

The *Attorney-General*.—Is any of the heading yours? No; it is not, it is the Editor's; he inserted certain observations in reference to the case, misrepresenting the case and misrepresenting my opinion, and I wrote that in answer.

Mr. *Straight*.—"Sir, I have great pleasure in replying to the inquiries contained in your leading article of January 19th. 1. I stated that I had never known antimonial powder, when given in medicinal doses (*i. e.* from 5 to 8 grains at a dose), to produce violent vomiting and purging. I am aware that experience differs on this point; that some have found this substance inert, while others have found it very active. From some recent experiments on antimonial preparations, I think it not unlikely that the powder may sometimes contain arseniate of lime. Dr. Pereira mentions, that in the large dose of half a teaspoonful it on one occasion produced violent vomiting, purging, and sweating; while in still larger doses (120 grains at a dose) prescribed by Dr. Elliotson, it occasioned in some instances only nausea. I have never met with any case in which serious symptoms could be referred to its operation; and in the case of Ann Palmer, this medical preparation would not account for the antimony found in her body. 2. My statement as to the cause of death was, that the deceased died from the effects of tartar emetic, and from no other cause."

The *Attorney-General*.—That does not appear to have anything to do with this case.

The *Witness*.—Nothing at all.

Mr. *Serjeant Shee*.—Go on, if you please.

Mr. *Straight*.—"That is the opinion which Dr. Rees and I formed from the result of our examination, and from the description of the symptoms under which the deceased laboured during the eight days which preceded her death."

Lord CAMPBELL.—What has that to do with this case?

Mr. *Serjeant Shee*.—If your Lordship will forgive me, I have fully considered what I am doing; I do not want it all read, I only want the last paragraph.

The *Attorney-General*.—If it is to be read; we must have it all, to see the character of it.

Mr. *Straight* then read the letter as follows:—"It is an opinion which I believe is now equally shared by the two medical attendants of the deceased. We are quite prepared to maintain this opinion on the trial. You will excuse me from entering into our reasons for this opinion on the present occasion, as this may form a very fair and proper subject for cross-examination at the trial. Possibly the defence may be, that tartar emetic in small doses is not a poison, that it cannot under any circumstances destroy life, and that it was the very best remedy for the disease (English cholera) under which it was stated the deceased was labouring. One other point connected with this inquiry may be here adverted to. The examination of the organs was made *fifteen months*, not 'fifteen weeks,' after death, and the viscera examined were as well preserved as I have seen them in many cases of arsenical poisoning. They were in a better state of preservation than the viscera of Walter Palmer, whose body has been buried for a period of three months only in a leaden coffin. The viscera in Ann Palmer's case were in such a state of preservation as to allow us to form an opinion of their condition. 3. This inquiry refers to the elimination of antimony from the body. According to my experience, antimony is analogous to arsenic in the rapidity with which it enters into the blood and passes out of the system. These two metals are wholly different in this respect from mercury and lead, and probably from copper. I shall be most happy, after the trial, to furnish you with facts and authorities, as far as I can, in reference to these interesting points. In the mean time, as this question may also form a fair subject for cross-examination, a detailed answer to it may be for the present reserved. 4. The fourth inquiry involves, as you have justly suspected, an error of the press. What I said was to this effect: that if there were symptoms of fever, antimonial medicines may be fairly prescribed. In concluding this letter I would observe that during a quarter of a century which I have now specially devoted to toxicological inquiries, I have never met with any cases like those suspected cases of poisoning at Rugeley. The mode in which they will affect the person accused is of minor importance compared with their probable influence on society. I have no hesitation in saying that the future security of life in this country will mainly depend on the judge, the jury, and the counsel who may have to dispose of the charges of murder which have arisen out of these investigations."

*The Court adjourned for a short time.*

Dr. ALFRED TAYLOR, further cross-examined by Mr. *Serjeant Shee*.

Will you have the goodness to attend for a moment to the last paragraph of your letter? "In concluding this letter I would observe that during the quarter of a century



which I have now especially devoted to toxieological inquiries, I have never met with any case like the suspected cases of poisoning at Rugeley. The mode in which they will affect the person accused is of minor importance compared with the probable influence on society. I have no hesitation in saying that the security of life in this country will mainly depend on the judge, the jury, and the counsel who may have to dispose of the charges of murder which have arisen out of these investigations." That is my opinion now; I find it stated broadly and openly that strychnia might cause death, and that if it did it would always be found in the body, which I deny; it is untrue; it will lead to the loss of hundreds of lives: it has been circulated in every paper that a person could not be killed by tartar emetic; that I deny; it is untrue, and will lead to hundreds of lives being destroyed.—And did you think it a right thing to publish that opinion before the man was put upon his trial for life? I had no prejudice against the man; I merely say as to the investigation of the facts of the case; I entertain no prejudice whatever; I maintain the principles of science which I there comment upon: if those statements which I have seen circulated in medical and other periodicals were to have their weight, there is not a life in this country that would be safe; that is what I say.—Then do you adhere to your opinion that the mode in which they will affect the person accused, that is, leading him to the scaffold, is of minor importance? No.—Compared with their probable influence on society? I have never suggested the leading to the scaffold; I hope he will be acquitted.—What did you mean by "The mode in which they will affect the person accused is of minor importance compared with the probable influence on society"? I say the lives of 16 millions of people are of greater importance: you are putting that as a sort of objection to my views in evidence: I find here in two dead bodies antimony; one of them died suddenly; the other, I find the body saturated with antimony, which I never found before in my examination of 300 dead bodies in this country, and I say this circumstance demands explanation.—And you adhere to the opinion as a medical man and a member of an honourable profession that you were right in publishing that letter before he came to his trial? I was right in stating my opinion in answer to the comments that have been made on my evidence.—Had any complaints been made by the prisoner? Not by the prisoner, but his attorney; he has written to every paper that Dr. Taylor was inaccurate: I had no wish or motive in it; my duty concerns the lives of all, as well as the prisoner.—Do you know a Mr. Augustus Mayhew, the proprietor of the 'Illustrated Times'? I saw him once or twice.—Did you allow a picture of yourself and Dr. Rees to be taken for the purpose of publication in his paper? If you will be so good as to call it a caricature, I did not.—There is a difference of opinion about that; it seems to me as like as two peas: did you allow that picture to be taken of you and Dr. Rees? I never knew it was taken, that is my answer; until it appeared in the 'Illustrated Times' I did not even know that it was taken, or that I should be caricatured.—Did you receive him at your house? He came to me with a letter from Professor Faraday.—Did you receive him in your laboratory when you were experimenting with Dr. Rees? It is untrue, I did not.—Did you receive him in your laboratory? I did not, it is wholly untrue.—Did you never see him in your laboratory? Never.—Did you see him at your house after dinner? He called on me with a letter from Professor Faraday.—Did you see him? I did.—Did you know that he called on you for the purpose of affording him information for an article in his 'Illustrated Times'? I did not, solemnly; it is the most disgraceful thing I ever knew as a publication.—Did you know him before? I never saw him before.—Did you know that he was the Editor of the 'Illustrated Times'? I did not.—You state on your oath? On my oath I did not: it was the greatest deception that was ever practised on a scientific man; most disgraceful.—And you are perfectly justified in stating that, if it is so; I will ask you this question, it is due to you that I should ask it: is it false that there was more than one called on you? There were two the first time.—I have it, "They candidly informed the doctor that they desired to publish the particulars of their conversation with him, and requested his permission to do so, and it was at once granted, they having undertaken to hold themselves responsible for not publishing any statement that might be prejudicial to the interests of justice"? He called on me with a letter from Professor Faraday, and I received him as I would Professor Faraday; he entered into conversation with me about these cases, and made a representation, as I understood, that he was connected with an insurance company, and he wished to know the number of cases that occurred to me during a number of years: after we had conversed about an hour, he then asked me if there was any objection to his publishing this conversation: I said, as far as the letters were concerned, I had no objection, but I objected to anything else appearing: I did not know that he was the editor of a journal: I said, I have no objection to anything appearing in answer to what has already appeared, with the corrections of the different mistakes: he went away without telling me that he was the editor of the paper.—And you did

not know it, on your oath? On my oath, I did not; I did not know it till the article was in print.—Did you remonstrate? I was shocked.—Did you remonstrate? Yes, I did.—By letter? No, verbally; he called on me with the article.—With your caricature in it? No; the mere article set up in type, the slip.—Had the paper been published? No, it was the day before publication.—Did you not protest against the publication? I did; I told him I objected to it. I struck out all that I saw regarding these cases, and he afterwards put the article in the form in which it is.—You allowed something to be published? I could not help his publishing my conversation.—You did permit him to publish part? Nothing connected with the Rugeley case.—Did he show you the slip of “Our interview with Dr. Alfred Taylor”? I do not remember that I saw that.—Will you swear he did not? I will swear to the best of my judgment and belief he did not.—Will you swear he did not show you the slip of the article called “Our interview with Dr. Alfred Taylor”? He showed me a slip, part of what appeared in that article.—Did he not show you a slip as long as this, “Our interview with Dr. Alfred Taylor”? I do not believe he did.—Will you swear he did not? I will swear I do not think he did: I struck out everything connected with the Rugeley cases; I look upon myself as cheated: a person had come with a letter from one of the highest authorities in the country, and extracted from me the information.—Why did you not desire your servant to show him the door? Until we had had all this conversation I did not know anything about it.—You allowed him to come back with the slip? He came on the Thursday morning; and it was not till then that I knew he was connected with a weekly paper.—Did he tell you that it was the Illustrated Times? He told me as he was going away.—Did you correct what he showed you? I struck some out.—And allowed the rest to be published? I said I had nothing to do with that.—Did you object to it? I objected to the publication.—Peremptorily? I said I did not like this mode of putting the matter before the public; I cannot interfere with your journal.—Not interfere with the publication of a private conversation in a gentleman’s dining-room after dinner; did you not protest as a gentleman and a man of honour that it was wrong and dishonourable to do it? I told him I objected to all the parts which concerned the Rugeley cases; that it was most dishonourable.—Did you protest against anything being published of that interview? No, I did not.—Did you not know perfectly well in this month of February, just after the shock which the country had received about these Rugeley murders, or imputations of murder, that your interview on the subject of poison must be taken to apply to what was then full in the public mind? I did not know what it would apply to.—Did you not think so? No, I did not think anything about it; I thought it was a great cheat to extract from me any information and to publish it.—What time was it he called on you with the slip? On the morning of Thursday, the day before publication.—How long was he with you? Not above twenty minutes or half an hour.—Were you angry with him? I remonstrated with him; I was not angry in the sense of the word quarrelling.—Angry in the sense of being indignant? I told him I objected to that mode of dealing with the case.—Did you allow him to publish this: “Dr. Taylor requested us to state that, although the practice of secret poisoning appeared to be on the increase, it should be remembered that on analysis the chemist could almost always detect the presence of poison in the body”? I did not dictate anything of the kind.—Was that on the slip that he showed you? If I had seen it I should have struck it out.—You will not say it was not there? I looked it over and struck out everything I saw connected with the Rugeley cases, and he went away; I felt that I had been imposed upon.—Did you strike out this, “and that, when analysis failed, as in cases where small doses of strychnia had been administered, physiology and pathology will invariably suffice to show the cause of death”? I remember seeing that.—Did you not know that it might circulate most extensively amongst the persons from whom the jury to try the case might be selected? I did not think of the matter at all; I think it is very proper information to give, so that the public should be aware that chemical analyses are not the only things to prove it.—Did you not think it was time enough after the man was tried for crimes such as these?—I think it was a gross imposition upon me.—You allowed this passage to pass? Only that they dressed it up afterwards.—“Being detected as readily as murder in any other form”? No, I do not remember that.—“While the difficulty of detecting and convicting the murderer was fallacious in other cases where poison had been employed”? That I do not remember; the article was very much altered, I could see that; it was a disgraceful thing.—Have you seen the gentleman since? I have not seen him since; I wrote him a letter concerning the matter; I complained of it.

The *Attorney-General*.—Have you a copy of that letter? I can state to you the substance of it; I saw an advertisement in the ‘Times’ paper which represented me as giving this information, and directly I saw it I wrote to contradict it, and they withdrew the advertisement.—What advertisement? Some advertisement connected with the very number you are alluding to.



Mr. JUSTICE CRESSWELL.—It was an advertisement in the 'Times' newspaper with regard to this information?—I immediately desired that to be withdrawn, and I received a letter from Mr. Mayhew to say that it should be.

Mr. *Serjeant Shee*.—How long after the publication of this? Immediately; directly I saw the advertisement.—When did the advertisement appear; the date of this paper is the 2nd of February? I think it was on the Thursday or Friday, I am not sure which; it was to induce people to purchase the number.—Did you say to a gentleman of the name of Cooke Evans that you would give them strychnia enough before you had done with them? No.—Or words to that effect? No; I do not know him.—Did you say it to anybody? No; that I would give them a dose of strychnia before I had done with them; I have never said anything so vulgar that I know of, never to my knowledge; give who a dose of strychnia?—I mean in reference to William Palmer? . You have been greatly misinstructed.—I ask no question but upon instructions?—You have been greatly misinstructed.—You deny that? I deny that.—Or any words to that effect? Or any words to that effect; I have not at all talked about giving anybody doses of strychnia.—Or these words, "He will have strychnia enough before I have done with him"? It is utterly false, and the person who has suggested that to you has been guilty of other false statements; his letter to Sir George Grey misrepresented my statements altogether.—I only speak from my instructions? I do not charge you with anything, but you are misinstructed.—If I knew it I would not put the question to you; you made a medical report to which you referred when we were talking about the first letter? Yes.—What did you do with that medical report? The medical report was handed to Dr. Rees; he took possession of it.—Did you not get a report drawn up by the medical gentleman who made the post-mortem examination? No.—Was it not produced from your hands two days ago in court? You are under a mistake about it; it was a private letter, not signed, from Dr. Harland to Mr. Stevens.—Was it in the shape of a medical report? It was a statement of the results of the post-mortem for Mr. Stevens's private information.—Then it has been inaccurately called a medical report in the course of this trial? Yes; it is merely Dr. Harland's statement of the examination for the information of Mr. Stevens.—It has been read here as a formal medical report? Yes; I believe that it has no signature.

Mr. *Serjeant Shee*.—My Lord will recollect he required it to be read; it was represented as a medical report; (*to the witness*) you have had it ever since? Yes.—I understand you distinctly to say that as respects the effect of strychnia on the human body you have no knowledge of your own at all? I have not seen a case; I have some knowledge.—I guard myself; by knowledge of your own I mean personal observation: but you have written a book upon the subject? Yes.—Now do you, from your reading, know of any case in which the patient under strychnia poison, any fatal case, has had, while the paroxysm lasted, as much command over the muscles of animal life and voluntary motion as Mr. Cook had on the Monday and Tuesday nights according to the evidence of Mills and Jones? I do not see that he had much command over the muscles of voluntary life.—You mean to say you do not know cases? I mean to say his symptoms are quite in accordance with the ordinary action of strychnia.—Can you tell me a single case, either in your book or in any authentic medical work, of a patient seized with tetanic symptoms by strychnia poison sitting up in his bed talking? He was seized with the tetanic symptoms after he sat up in his bed.—Do you know of any instance in which a patient has been beating with both his arms the bed-clothes under the influence of strychnia poison within a short time, a quarter of an hour, before his death? The symptoms generally came on with some sort of action.

The *Attorney-General*.—You are assuming the fact; that was on the Monday night? It is manifested in various ways.

Mr. *Serjeant Shee*.—Can you refer me to any case in your book, or any authorized book, in which a person under the influence of strychnia poison has been beating the bed with his or her arms? It is exactly what I should expect from the sense of suffocation.—You say it is exactly what you should expect; your experience is in rabbits, and the first symptoms you have seen is a sudden fall on the side? You asked me the question with reference to my reading and knowledge.—I asked you if you could refer me to any case? I am quite willing not to answer, except as to rabbits; I thought you asked me as to any case.—And so I did? The beating of the bed with the arms, in the way you describe, merely indicates that he was very uneasy, that he felt oppression, and it was an attempt at relief before the tetanic symptoms set in; there was a feeling of suffocation.—First answer my question; do you know of a single case, either in your book or in your general reading, of the symptoms of poison by strychnia commencing or exhibiting themselves during any time of the paroxysm by the operation of beating

the bed? There have been only about 15 cases altogether; I have not heard of a person taken ill in bed before.—Now, is not the beating of the bed well known under the name of malasaux; is it not a very common symptom of ordinary convulsions? No, I do not think it is the case, not to my knowledge.—You know the term malasaux, which means beating of the bed? Yes.

*The Attorney-General.*—It means beating of anything? That does not terminate in tetanus.

*Mr. Serjeant Shee.*—That is not the question; is it not a common form, as you know by your reading, of violent convulsions not occasioned by strychnia poison? Persons who suffer from suffocation, whether it depends on strychnia or other causes.—Then I am right in understanding you that you do not know a single case of strychnia poison in which that has occurred? I have heard of one case that has been communicated to me by a friend.—We will have that when he comes? It was in a private letter which came to me.—That person can come and state them.

*The Attorney-General.*—You have no right to ask the question as to his reading at all; you must acknowledge it whether reading from a book, or a communication from a scientific friend.

*Mr. Serjeant Shee.*—I have a right to ask a medical witness as to his knowledge acquired by reading and study.

*Lord CAMPBELL.*—I think he may answer, that from a scientific person he has received an account of some case.

*Mr. Serjeant Shee.*—You say you have heard of a case, not a published case? It is not a published case: the person did not sit up, but he shook as if he had an ague-fit before the symptoms came on; that was all; agitation.—Would you call that malinatio or beating? No, I should not give it so learned a name.—You would call it beating? Quaking, shaking; the agitation is expressed in different ways.—I was asking you as to beating? I have not a case of a person sitting up in bed and beating the bed.—That is the fair answer: have you known many instances in which the patient has screamed before he was seized with the fit? No.—Is that common in convulsions not occasioned by strychnia poison? It is; in many cases they scream very soon after the spasm sets in, when the spasm begins; the pain felt is very severe.—This is before they begin? No, I have not known that.—Have you known cases in which they speak freely? Yes.—Can you refer to any case of that kind after the paroxysm has commenced? No, not after the paroxysm has commenced; I do not remember one at the present time.—Do you agree, as far as your reading enables you to do so, with this description of strychnia in Dr. Watson's book; it is a case in Middlesex Hospital: "Unluckily, through mistake or negligence of the person who was at that time the dispenser, a grain of the poison was administered:" can you tell me or refer me to any one case in your book or elsewhere, any authentic writer, in which the effect of the strychnia affection or paroxysm in a fatal case has been as long after the ingestion of the poison as in Cook's case on Tuesday night? Yes.—A fatal case; I do not mean a slight case? Yes, in page 185 of the 'Medical Jurisprudence.'—I was speaking of your book on Poisons?

*The Attorney-General.*—Read it? In a case communicated to 'The Lancet,' of August 31, 1850, page 259, by Mr. Bennett, one grain and a half of strychnia, taken by mistake, destroyed the life of a healthy young female in an hour and a half, which is remarkable, as no symptoms appeared for an hour.

*Mr. Serjeant Shee.*—May I take it that is the longest period which has elapsed between the ingestion of the poison and the commencement of the symptoms on record? No; I think not.—Does it appear how that was taken? I think it was in pills; but I have 'The Lancet' here to refer to, if you wish.—That is a remarkable and unusual case? Yes; it was certainly long, with regard to the cases that had up to that time occurred.—You know a case of an hour and a half? There is one of two hours and a half.—Was that a fatal case? No; but that does not affect it.—I am asking you as to a fatal case? I beg to say that the fatality of the case has nothing to do with the occurrence.—You will give that opinion afterwards; we are informed that it has; I am asking you as to a fatal case? That was not a fatal case.—A grain and a half in that case is a very considerable dose, is it not? It is a full dose, not a very considerable dose.—It is a dose from which a man is very likely to die? Yes.—Now, Dr. Taylor, you gave a great many cases in your book; I do not want to take up much time in going into them, more than is necessary for my client; is there any one case in your book in which the attack has taken place more than half an hour after the ingestion of the poison? What book are you referring to?—The book on Poisons. That is 8 years old.—Then you will correct me by saying no, but there is in the other book? Yes, I believe that is the case; cases have occurred since 1848; I have a reference to a case here of one grain and a half,



which is published by Dr. Christison.—He is to be called? The symptoms came on in 3 hours.—Was it fatal? It was fatal.—That is a case in which the patient had been affected with some complaint for 4 weeks, and began to take strychnia; in 3 hours there was stupor and loss of speech, and at length violent tetanic convulsions, which proved fatal in 3 hours and 3 quarters? Yes.—It does not tell you when it commenced? I take it from there.—You are mistaken as to that? I do not think I am; Dr. Christison can give an account of it.—Do you know any other case? Not a fatal case.—Is there any case in your book on poisons in which the symptoms have been known to occur at a longer period than half an hour from the ingestion of the poison? You must not go back to the book of 1848.—I will go to your other book presently? In giving an answer to your question, I am looking to what has occurred in the mean time.—If you know of other cases from your reading, I cannot object to your stating them; nobody can suppose that you have personal knowledge of anything like what you have stated in this book: before you go further, do you know that Dr. Bradley, from whom Dr. Booth took the case, states that he cannot admit that the death was wholly attributable to the dose of strychnia employed? All those conditions are quite compatible with death from strychnia.—You would not after that opinion say it was attributable solely to strychnia? No, but I should exercise my judgment, and consider strychnia had something to do with it.—Have you any other case, in your other reading, to which you can refer? No, you asked me what the strychnia was taken in; in that case it was dissolved, and one would have expected a more speedy action; it is the more remarkable.—And had she an emetic in that case? The stomach-pump was used and a strong emetic.—It was taken in some solution? Yes.—In what solution was it taken? Cinnamon and water.—Do you know a single case in which the symptoms have manifested themselves as long as an hour and a half after the injection of the poison? No, I do not.—Now, can you refer me to any authentic case of strychnia from which the patient has recovered from a paroxysm in so short a time as Mr. Cook recovered from the paroxysm on Mouday night? Within what time did he recover? I do not understand that it was so short.—He was well the next morning, and was well all the next morning; it had no effect during the whole of the next day, but he was comfortable and happy? The recovery then will depend entirely on the dose taken; if he took the sixteenth of a grain he would recover sooner than from an eighth.—Do you know any authentic case of strychnia poison in which the patient has recovered from a paroxysm in as short a time as Mr. Cook did, he being well before the morning? I do not remember any, but I can conceive in medical practice such cases.—We want your experience in order to observe it? It is nothing at all unusual.—How can you say that, when you do not know any case? I say from my reading and experience, a recovery after three or four hours will depend materially upon the dose.—Do you know a single case in which it has taken place after strychnia poison has been administered; look at page 265 of the Manual on Medical Jurisprudence, second edition? The convulsions gradually subsided about four hours after the first attack.

Lord CAMPBELL.—What case is it?

Mr. *Serjeant Shee*.—It is not strychnia, it is *nux vomica*, the same poison, but in a much milder form? Yes.—It is not the same as strychnia? All its power depends on the strychnia.

Mr. *Serjeant Shee*.—Only it is given in a very large dose.

Mr. BARON ALDERSON.—That was half an ounce.

Mr. *Serjeant Shee*.—In this case the girl aged twenty swallowed half an ounce of the powder, and in half an hour the usual tetanic symptoms came on, but she was perfectly sensible. The convulsions gradually subsided about four hours after the first attack. Did you not learn from Mr. Cook's case that he was asleep before three o'clock, and comfortable during the whole of the next day? Decidedly so.

Mr. BARON ALDERSON.—They said he was not asleep before a quarter before five.

Mr. *Serjeant Shee*.—He appeared dozing, I believe; then he went to sleep.

Lord CAMPBELL.—According to their account, he was awake at five.

Mr. *Serjeant Shee*.—Do you know any other case in which, after an administration of strychnia poison, the patient has recovered as soon as Mr. Cook did on Mouday night? The difficulty is in settling the time of recovery; that is not the point that medical men enter into.—When the patient is no longer under the influence of it? They do not give the time generally, they merely put "The patient recovered," without any particular statement as to the period of the attack.—Can you refer me to any case in which, after the paroxysm from strychnia poison, the patient has remained composed and without the repetition of the paroxysm in any degree, for so long a period as Mr. Cook did after the paroxysm on Mouday night?

The *Attorney-General*.—Without a fresh dose being given? Yes; I do not think the attack on Tuesday night was the result of a dose given on Monday night.

Mr. *Serjeant Shee*.—That is not the point; I ask you whether you know of any case of strychnia poison in which there was so long an intermission of the paroxysm as between the two fits of Monday and Tuesday night? No, I do not.—Is it the result of your experience or reading that the person who dies from strychnia poison continues rigid in the attitude and position of limb in which he dies? I have seen that in animals, in rabbits.—With your reading as to men, do they continue rigid in the attitude and position of limb in which they die? I do not remember the particulars: if a person dies in a spasm, the spasm is likely to continue: I know a case which can answer it; it was inspection after twenty hours' death, and the body was then very rigid; there is no account in these cases of how the body was at the moment of death.—The body was very rigid in twenty-four hours, whatever sort of convulsion he died of? Yes; there is not the slightest difficulty I think of finding such a case, but I cannot refer you to one now: I found in one of the rabbits destroyed that the spasm continued after death.—As you choose to go upon rabbits, do you not know that it constantly happens, even in rabbits, that the spasm and the contraction instantly cease immediately with death, or just before death, and that the body becomes perfectly pliant? No; I do not; it does so in some instances, in one out of five cases.—Do you agree in this opinion of Dr. Christison, "I have not altered the statement as to this point in the former edition, that is, that the rigidity supervenes at an early period after death; yet I strongly suspect the others, who describe the spasm which precedes death to continue as it were without the rigidity that occurs after death, must have observed inaccurately, for, in the numerous experiments that I have made and witnessed upon animals, flaccidity of limb continued after death"? Dr. Christison speaks from his own experience, I speak from my own.—In some cases in your own experience, two out of ten? One case that became rigid very soon after, as Dr. Christison describes it.—Do you recollect enough of those that you killed twenty-five years ago, as to know whether their limbs were stiff or flaccid? No.—Do you mean to say four of the five were actually stiff before or after death? They remained stiff after death; one was quite flaccid, that was seen by Dr. Christison.—Did you see that in Dr. Bamford's deposition, that he went to Mr. Cook as soon as he was called, arrived immediately after he was dead, and found the body quite straight upon the bed? Yes.—In your judgment can that body be under the influence of opisthotonos? Yes; opisthotonos, the act of dying.—That would be an instance of becoming flaccid? Yes.—Have you any reason to say, from your experience or your reading, that the clenching of the hand is a distinctive feature of strychnia poison? It is the result of violent tetanic spasms.—Does it not occur in other violent spasms? Yes.—In all forms of convulsion? No: the great point is this, that in tetanus it remains so; in other convulsions it comes and goes.—Is it always so? That is according to my knowledge.—I think you stated that the heart was generally full? Yes.

Lord CAMPBELL.—He found the heart always full, particularly the right side, in the rabbits.

Mr. *Serjeant Shee*.—Do you mean actually to say that the colour tests of strychnia are so uncertain and fallacious that they cannot be depended upon? I do, unless you first get strychnia in a visible and tangible form.—Is it impossible to get that from the stomach in all cases? It is not impossible; it depends on the quantity that remains in the stomach.—You think it is in some cases impossible? No; I think it is in some cases impossible where the quantity is very small.—You do not agree that as much as the 50th part of a grain could be discovered? I think not; that is not separated.—Or even half a grain? That might be a difficulty; it depends upon the amount of food in the stomach with which it was mixed.

Re-examined by the *Attorney-General*.

Now, in your reading about which my learned friend has been asking you, have you met with cases in which it has appeared that the heart was found empty after death, where the death had taken place from strychnia? Yes.—Has that been in an animal or in a human subject? In a human subject.—Do you find more than one such case? Three.—What should you ascribe the emptiness of the heart to after such a death? I think it is owing to spasmodic affection, the effect upon the heart in the last moment of life.—Is there any reason why that should be more likely to be the case in the human subject than in a small animal like a rabbit? No; I know of no distinction; the only thing I would observe is, that I think the heart is generally more affected by the paroxysm, so that the blood accumulates.—Suppose the paroxysms short and violent, and cause death in a few minutes? That is the kind of case in which I should expect to find it empty.—With regard to the rigidity after death, did that rigidity after death in the



eases where you found it, always affect the same muscles? Yes; the muscles of the limbs, specially the muscles of the back.—Where the rigidity was relaxed in death, do I understand you to say that afterwards it returned? In the case of poisoning by strychnia it returns while the body is warm; in ordinary death it only appears when the body is cold.

Lord CAMPBELL.—The *rigor mortis* comes on after the body is cold, or nearly so.

The *Attorney-General*.—Would the rigidity of the extremities as long as two months after death, the clenching of the hands, and the twisting of the feet, afford you any indication of whether the person died of tetanus? I have never known such a case.—Would that indicate, in your opinion, great violence of the spasm with which the party died? It would.—Would poison from strychnia, in your opinion, act with greater power when once the effect was set up, upon a person who had been lowered by a previous disease? I am not able to answer that.—Now, with regard to the duration of time in which the effects of the poison would begin to act, to show itself, would it be uniform, do you think, in all persons to whom the same quantity of poison might be given? It would depend on the violence and frequency of the spasms.—I am speaking of the commencement; you have given us one case of half an hour, and another an hour; would the period required to set up the action of the poison be uniform, or would it vary according to the strength of the individual? It would vary according to the constitution and the strength, according to the power of absorption.

Lord CAMPBELL.—There are various circumstances that will affect it.

The *Attorney-General*.—My friend asked you with regard to the symptoms which appeared on the night of Monday, the beating with the hands and arms; I think you ascribed that to a sense of uneasiness? General uneasiness, and a feeling of suffocation.—According to your experience, is the feeling of suffocation one of the common symptoms of death by strychnia? It is one of the early symptoms.—Would that uneasiness produce the effect in question? It would.—Now, with regard to the detection of the antimony, you applied, as I understand you, no less than three tests to the examination that you made? We separated the antimony, and then applied various tests.—Now, my friend asked whether one or other of those processes would not be open to difficulty, supposing there were any impure substances used in the chemical process. Yes.—That might be so with regard to one of them? Yes, it would.—Have you any doubt the substances you used were pure? None whatever, they were all tested on that occasion before I used them.—Would that be at all likely to be the case with regard to three distinct processes? Certainly not.—Is it the fact that three distinct processes give the same result, which strongly corroborates the correctness of each? Yes; and Mr. Brande witnessed them.—You have no doubt, if I understand you, that that which you produced was antimony? Not the least doubt at all.—If I understand you rightly, the quantity you found does not enable you to form any judgment as to the quantity that may have been administered? Not at all; that is to say, the residue; a small dose, or the residue of large.—Supposing that the antimony were given for the purpose of keeping up sickness, would the effect of sickness be to throw off the greater part of that which was taken? It would, to throw off some portion.—My learned friend read to you two or three passages from a book on poisoning dogs; antimony in dogs, in which it got into the bones and tissues; if you saturate the system with doses, it will get at last into the bones?

Mr. *Serjeant Shee*.—This is rather too much in re-examination.

Lord CAMPBELL.—It seems to me quite harmless.

Mr. *Serjeant Shee*.—I object to my friend suggesting a theory to his own witness.

The *Attorney-General*.—I will not press anything that you object to.

The *Witness*.—If antimony is given, it passes out with the urine, but some of it passes into the body; if the antimony is not withdrawn, it goes into the tissues and bones: I have not met with an instance yet, and all the cases quoted do not show that, in which there was antimony in the coating of the stomach and in the bowels.

The *Attorney-General*.—Have you found none in the bones and tissues? No; we did not analyze them.—You were asked whether you suggested any questions to the coroner, and you say you did? Yes.—I must ask you how that came about? The coroner did not put questions which enabled me to form an opinion.—Did he appear to you not to put the necessary questions which he ought to have put under the circumstances? I think that it was not owing to any intentional omission; it was rather his want of knowledge perhaps of the points.—You asked him to put those questions? Yes.

Lord CAMPBELL.—He was a legal gentleman, and not a medical.—He was; he did not understand the medical bearing of the question.

The *Attorney-General*.—Then you put some questions which either he put or the

witness answered? Yes, I could not have given an opinion without them.—Though you say that it did not appear to you that the coroner omitted to put any question from any intention not to discharge his duty, did you observe that there was an omission to take down the answers? I did.—Did you make any observation on that point? No, I do not remember that I did; I got the information to give an opinion upon.—Now, at the time you wrote that letter which my friend adverted to, to Mr. Gardiner, in which you spoke of antimony as the possible cause of death, had you then had the symptoms which attended the attacks upon Mr. Cook, and which ended in his death, brought to your knowledge? No, mere general information; I did not know at the time; I merely had the information about seven days before he died, and that he died in convulsions.—You did not know that there had been convulsions of a tetanic character? Not at all.—Was there anything at that time to lead you to suppose that strychnia might have been the cause of death, except the information you received of Palmer's having bought strychnia on the Tuesday? There was not: the information referred to prussic acid and opium, that is all that I heard.—Failing to find whether prussic acid, opium, or strychnia was there, you referred to antimony as the cause of death? As the only substance found in the body.—On the occasion of your writing that letter to the 'Lancet,' had you yourself been made the subject of a great many attacks? Yes, I had.—Have you been misrepresented as to what you have said upon the subject of the possibility or impossibility of detecting strychnia after death? I have.—In the 'Lancet' only? In the newspapers in every character; in fact, in the letter to Sir George Grey written by Mr. Smith.—That was after it was suggested? It was a repetition of the same thing.—But before you wrote the letter to the 'Lancet,' in various newspapers had the subject been misrepresented? Yes, in every direction: it had been represented that I had said that strychnia could not be detected in a dead body, that it was destroyed by putrefaction; the question of putrefaction had never arisen.

Lord CAMPBELL.—That it could not be detected in this particular case? It was represented that I had said that strychnia could never be detected; and the case which we do not refer to by name has been quoted against me of how easily it could be detected after death: what I said to the coroner was, that when absorbed into the blood it could not be separated; if anything remains in the stomach more than enough to destroy life, of course it would be found.—Was it with a view to your own vindication from those charges and misrepresentations that you wrote that letter? Yes, I did.

Dr. GEORGE OWEN REES sworn.—Examined by Mr. James.

You are a Fellow of the College of Physicians? I am.—And Lecturer on *Materia Medica* at Guy's Hospital? Yes.—Did you assist Professor Taylor in making the analysis of Mr. Cook's stomach and intestines sent up? I did.—Now, you have heard the description given by Dr. Taylor of the result of that analysis: has it been accurately and correctly given? Very correctly.—Have you had your attention directed a good deal to the discovery of poisons after death? I have at different times.—Now, the antimony that you discovered, has Dr. Taylor correctly described the quantity and the place where the antimony was discovered? Quite so: I was present during the whole time.—In your judgment, having directed your attention to the matter, how recently should you say that antimony might have been administered from what you discovered; how recently before death? It might have been administered within a few hours or a few days of his death.—Do you agree with Dr. Taylor that under the circumstances the quantity of antimony you discovered was no test of the amount that may have been administered? Certainly not.—Now you failed, having applied all the tests, to discover strychnia? We did.—Was the stomach presented to you in a state favourable or unfavourable to the discovery of strychnia poison?—Most unfavourable; I opened the jar myself.—Just describe shortly and accurately the state in which you found it? The stomach had been cut open, and turned inside out, its mucous surface lying and rubbing against the intestines; the contents of the stomach, had there been any at any time, must have been completely thrown amongst the intestines and mixed.—Did that render it unfavourable to the hope of discovering strychnia? Certainly.—Do you agree with Dr. Taylor as to the mode strychnia destroys life by absorption? I believe it is absorbed always before it produces the symptoms.—Now if by accident or design enough strychnia is given to destroy life, might that be the case without your being able to discover it after death? Yes, I believe it might.—You agree with Professor Taylor that it is the excess that you find? Quite so.—Where vitality is destroyed by the effects of the poison, and an excess remains, you would expect to discover that? With care we might.—Have you seen those various experiments tried on animal life, on rabbits? I have seen several; I saw the experiments that Dr. Taylor made with four of the rabbits.—Did you assist in the analysis made after the death of some of the animals to discover strychnia? I did in all those cases.—How many cases were there



in which you had administered strychnine and it destroyed the animals, in which you failed to discover it after death? We destroyed four animals, and failed to detect it in three.—The symptoms you remarked; did they resemble the symptoms described as attending Mr. Cook's death? Very much.—Have you yourself ever seen death in the human subject from strychnia? I never have.—Have you heard narrated the symptoms attending the death of Mrs. Sergeantson Smith from strychnia? I have.—And of the girl in the hospital at Glasgow? I have.—And that in the case which is anonymous? Yes; all the cases that have been detailed here I have listened to.—Are they analogous, in your opinion, to the symptoms attending Mr. Cook's death? Clearly.—And analogous to the experiments or symptoms you have seen produced from the experiments that you made upon animal life? Quite so.—From strychnia? Yes.

Cross-examined by Mr. Grove.

How did you administer this strychnia to the animals; did you put it into the mouth and let them swallow it? No.—How was it done? The animal was thrown on its back, the legs secured by the hands of assistants, its mouth opened, and the pill introduced into its mouth.—Did you see any instance of the animal rejecting some portion; I am told it sometimes occurs with rabbits that it has been lying in the stomach or in the throat? In the four cases that I saw, the pill was well taken.—You did not observe that there was any rejecting? No; but I must state that the fifth case, which I did not see, I administered the pill in the fifth case, a small portion appeared to escape from the rabbit's mouth; I had to go to lecture.—On those three, where you say you failed, did they include the two which Dr. Taylor said he recognised the taste in one and some degree of colour in another? Yes.

Lord CAMPBELL.—With regard to the finding it in the fifth he recollects nothing.

Mr. Grove.—I want to know whether those two cases were two of the three in which you say you did not discover strychnia? They were among the cases which I examined with Dr. Taylor; Dr. Taylor stated so.

Lord CAMPBELL.—Dr. Taylor distinctly stated that he performed them in the company of Dr. Rees.

Mr. Grove.—You have told us that you consider the poison must be absorbed; do you know that when absorbed it has been found in the blood and tissues? I do not know of any satisfactory experiment to that effect.—Do you know that Orfila has found it in matter that has been putrefied for a long time? I am not aware of it; I do not think of necessity that putrefaction would destroy it; it may.—In Mr. Cook's case putrefaction had hardly set in? We had the body approaching that condition, but there was no very marked degree of decomposition.—The stomach I am speaking of? Yes, the stomach.—Have you any facts with reference to strychnia on which to found your judgment with reference to its acting as a poison by absorption? No.—The colour tests, I believe, are bichromate of potash, oxide of lead, and manganese? Used after the application of sulphuric acid.—Are those the recognised colour-tests? Yes, they are.—Have you any choice between those three, or do you consider them all equally good? In the experiments I would prefer the use of strong sulphuric acid and bichromate of potash.—My friend asked you as to the quantity of antimony that you found; if I understand rightly from Dr. Taylor, it did not weigh any quantity at all? No.—You only formed an opinion from deposits in themselves so small as to be incapable of weighing? Yes, by guess.

Re-examined by the Attorney-General.

The presence of antimony was clearly shown? Yes, clearly.—My friend asked you whether you had any facts on which you founded your opinion that this poison acted by means of absorption, or rather after having been absorbed; on what do you found that opinion? On the fact that absorption, generally speaking, is proved to be necessary in the action of a great many mineral poisons, and also we have vegetable and animal poisons; we find that everything that increases the power of absorption increases the activity of that poison when exhibited.—Would that be strengthened by the fact that you found in some cases that, so far as you could discover, the whole had been absorbed before the poison acted? It would be strengthened by that.

Professor WILLIAM THOMAS BRANDE sworn.—Examined by Mr. Weisby.

I believe you are the professor of chemistry at the Royal Mint? At the Royal Institution; I am honorary professor at the Royal Institution.—Were you present at the analysis made by Dr. Taylor, of the liver, spleen, and kidneys of the deceased Mr. Cook? No.—Which were you present at? I had a report from Dr. Taylor and Dr. Rees sent to me for my opinion upon it.—Were you not present at any actual analysis made by them? I was.—Be kind enough to tell us when and where? At Guy's Hospital, on Saturday,

the 3rd May.—What was then done; will you describe? We then examined, in the first place, the action of copper upon a very weak solution of antimony; we found that there was no action until the solution was slightly acidified by muriatic acid and heated: the antimony was then deposited.—Are you able to state positively that that deposit was antimony? Yes.

Cross-examined by Mr. Grove.

Animals to which antimony had been given to your knowledge, not a portion of Mr. Cook's body? The case that I have just alluded to was one of a solution of emetic tartar made for the experiment.—In fact, this is a repetition of the experiment given in the book as Rimehe's test? Yes.—I believe a great many metals, assuming that there are other metals there, will be thrown down by the copper in the same way? I only know of three brought down in that way altogether: arsenic, antimony, and I believe bismuth.—Will not mercury be precipitated in the same way? Mercury will go down into cold without the application of heat.—And also when boiled with heat; if you were to plunge it into the hot liquid, it will also go down? No doubt.—Lead and tin, will they go down with heat in the same way? Lead and tin will go down, I should think, in the cold also.—Do you speak with certainty upon that? I do not.—You cannot undertake to say whether lead and tin would require heat and then go down, would precipitate in the same way? Yes.—Does not the effect arising from sulphur also frequently produce a deposit very similar? No.—Sulphuric hydrogen? No; they blacken the copper.—What is the difference? It is very manifest.—It is a difference to the eye? It is a difference to the eye, but the testing afterwards will at once of course distinguish between the two.

Re-examined by the *Attorney-General*.

Were those tests which were applied by Dr. Taylor and Dr. Rees the proper tests to ascertain the fact of antimony being there present? Certainly.—Have you no doubt of the fact of antimony being there present? None.—If I understand you rightly, Professor Taylor first showed you some antimony which he alleged he had extracted from the body, and then you afterwards saw an experiment made yourself upon some further portion of the body? No; upon the antimony.—Yours was a collateral experiment made upon what he so produced to you? It was.—As I understand, what you did was to try the accuracy of the test which Dr. Taylor had applied previously? My object was to make an experiment that would satisfy me as to that being a very excellent mode of detecting antimony.—And did you satisfy yourself? I did.

Lord CAMPBELL.—This being the mode adopted for detecting the antimony? Yes.

Professor ROBERT CHRISTISON sworn.—Examined by the *Attorney-General*.

You are a Fellow of the Royal College of Physicians? Yes.—And Professor of Materia Medica to the University of Edinburgh? Yes.—You have published a treatise on poisons in relation to medical jurisprudence? Yes, I did in 1845.—Among other poisons have you turned your attention to strychnia? Yes.—How in your opinion does strychnia act upon the human frame? By absorption into the blood.—And then by acting on the nervous system? And then by acting on the nervous system.—Have you ever seen a case of strychnia upon a human subject? Yes, but not fatally; an over-dose taken medicinally.—Have you seen experiments tried upon animals? Frequently.—What sort of animals? Upon frogs, rabbits, cats, dogs, and one wild-boar.—When did you first direct your attention to this poison? In 1820, in Paris.—Was it first made matter of observation by the French? Yes; it was discovered two years before that at Paris.—In those experiments upon animals, what doses have you given generally? In most of my experiments very small doses, but sometimes as much as one grain.

Lord CAMPBELL.—What do you call a small dose? A sixth part of a grain.

The *Attorney-General*.—What is the smallest dose that you have found to kill a rabbit? As administered by the stomach?—You have administered it by injecting? By injecting into the cavity of the chest.—Have you never given it by the stomach? Yes.—What quantity have you found to take life away in that way? A sixth part of a grain killed a dog in two minutes.—You have administered it occasionally through the stomach? Yes.—What quantity have you so given? I have seen a grain given; I do not recollect to have given more.—What sort of animal was that? A rabbit.—Did the animal die? Yes.—In how short a time? That I cannot recollect at the present moment; it is a long time ago since I have made most of these experiments, but I have seen an experiment made lately.—Upon what animal was that? A rabbit.

Lord CAMPBELL.—When was that? The other day, one of the experiments made by Dr. Taylor.

The *Attorney-General*.—What did he give then? I think it was about three-quarters



of a grain, and that killed it; a very small quantity injected into the animal.—Passed down into the stomach? A very small quantity was not swallowed.

Lord CAMPBELL.—He gave about three-quarters of a grain? Yes; and a very small quantity was not swallowed by the animal; three-quarters of a grain is not a very large quantity.—What became of the three-quarters? Three-quarters was given, but a very small quantity not swallowed.

The *Attorney-General*.—Now, will you be so good as to tell us what are the symptoms which you have found after the administering of this poison in animals? The first symptoms?

Lord CAMPBELL.—Are you speaking generally, now? I speak of them all.

The *Attorney-General*.—Is there any particular difference between the cases of rabbits, cats, and dogs? Very little; there is some difference, but there are differences between individuals of the same species.—Be so good as to give us the general symptoms as common to all these animals? The first symptom that I have observed has been a slight tremor and unwillingness to move, then frequently the animal jerks its head back slightly, and very soon after that all the symptoms of tetanus come on, which have been so often described, in the evidence of previous witnesses.—Is there occasionally an intermission of the symptoms? Yes, for a short while.

Lord CAMPBELL.—An intermission of the spasm? Yes.

The *Attorney-General*.—What time generally, from the commencement of the symptoms to the death, have you found elapse? Where it is introduced into the stomach? I presume in other cases it is much more rapid.—Yes, where it has been introduced into the stomach? Between 5 or 6 minutes and 25 minutes, before the animal is dead.—From the giving the poison to the first symptoms coming on, what has been the usual average time? I have seen it as late as 12 minutes.—Before it begins to act? Before the appearance of tremor.—And then from the first commencement of the symptoms to their termination in death, you say from 5 or 6 to 20 minutes? From 5 or 6 minutes to 20 or 25 minutes.—Have the symptoms always been the same? Very much.—I mean in respect to, first, certain muscles being affected, and then other muscles being affected; or does it vary in the individual cases? I think, where we can trace it very correctly, that the jaws and the back of the neck are affected first.—What next? And then the trunk and the extremities.—Which first? In such rapidity that it is very difficult to follow them in succession.—Now you mentioned that you had sometimes observed differences in individuals of the same species? Yes.—What had that reference to? The intermission sometimes is wanting.—You mean, that the first paroxysm ends in death? Some lie in one long, continuous spasm, with scarcely any intermission, but that is uncommon.—Have you generally found a remission of the symptoms immediately before death or not? Commonly.—So that the animal has died quietly? Yes; that is, a state of flaccidity about the period of the termination of life.—What is the effect of that upon the rigidity of the muscles? I have always observed an interval before the rigidity that takes place after death.—I was coming to that in a minute; you say that there is a cessation of the symptoms immediately before death? Yes.—What effect has that upon the rigidity of the muscles? The rigidity is gone, the body is flaccid.—In such cases, after death do you find the rigidity is renewed? Very soon.—Have you found that rigidity continue long after death or not? I have not attended to its duration.—Have you ever opened the bodies of animals that have been thus killed? Frequently.—Have you found that the poison had produced any apparent effect upon the stomach or intestines? I never could see any effect which I could trace.—Have you ever found any apparent effect on the spinal cord or brain; any visible or apparent change? None which I can trace satisfactorily to the poison.—In what state have you generally found the heart of an animal after death? It generally contained blood.—Have you sometimes found it devoid of blood? Not in animals; it has been found by others, but I have not.—You said you had seen one case of the human subject? Yes; I have seen several, where a mild over-action was produced, but in one a severe over-action was produced.—What was the nature of that case? The fixing of the jaw, spasmodic retraction of the head, slight grinning expression of the mouth, and a slight stiffness of the arms and fingers.—Any convulsion of the muscles of the trunk? No; great alarm.—Any convulsive movement of the arms and legs in that case? No.—You have collected all the cases that have occurred up to the time of the publication of your book as far as you are aware? Yes; as far as I have discovered.—Should you expect to find that the poison took a longer time in producing its effect upon the human subject than it would upon animals? It appears to require a longer time in the larger animals than the small.—In proportion to the size of the animal? Yes.—You mentioned having seen it given to a wild boar; was that injection? Yes; into the chest.—And I suppose the operation

therefore was rapid; how long was that animal dying? Ten minutes, from the third of a grain.—To come back to the human subject: what length of time, with the knowledge that you have derived from the cases that you have collected, does the poison operate upon the human subject? Do you mean operate to produce death, or begin to operate?—Begin to operate? I think there are cases where strychnia, in the shape of nux vomica, has not operated for about an hour.—But given in the shape of strychnia? The time seems in general shorter than nux vomica, but that all depends upon the mode in which it is given.—In the generality of cases which are reported in the books has it been taken or given in the solid or fluid form? Generally the solid form; sometimes in the fluid.—And it will make a difference whether it is in the one or the other with respect to the length of time that will be required? There is a want of precise information as to the materials in which the poison is given, and that often signifies materially.—Do you mean the material with which it is mixed up? Yes; suppose it was given in the shape of a pill, much might depend upon the material used for making the pill.—Might it be mixed up with materials which would protract the period at which the symptoms would make their appearance? Certainly.—Now what sort of materials might it be mixed up with so as to make the appearance of the first symptoms as late as possible after the administering of the dose? Resinous materials are all difficult of digestion.—Would such materials be within the knowledge and reach of a medical man? Yes, some are often used for making ordinary pills.—When would absorption first begin? As soon as the pill came to be broken up or digested.—But not before? But not before.—The less soluble the pill the longer would be the period required? Yes.—Now, independently of that, does the state of knowledge upon this subject enable you to predicate with anything like certainty or accuracy the period that would be required in the human subject before such poison would begin to operate after it has been taken into the stomach; does the state of science enable you to form an opinion as to the precise time, or nearly the precise time, that it would require for this poison to begin to operate? I do not think we can fix, from our present knowledge, the precise time for the poison beginning to operate.—I presume, when you give it to an animal for the purpose of watching the effect of the poison, you give it in a manner in which it should act most readily, whether in the fluid or the solid form; you did nothing to retard its operation? We use the same form; we take care that the animal is fasting, and have every circumstance favourable for the action of poison.—Do you mix it up with materials that can be readily soluble in the stomach? Yes.—Have you ever seen any cases of tetanus of the natural kind? Yes.—Arising from disease, or from wound? Arising from both.—How many instances? I cannot say; I have seen a good many arising from wounds, but very few from natural disease.—Is there, in your opinion, any marked difference between what I may call natural tetanus and the tetanus of strychnia? I would not rest much upon the little difference of particular symptoms, but rather upon the course and the general circumstances attending them.—What is the difference in respect of the course of the symptoms? First, that in all the natural forms of tetanus, the symptoms begin and advance much more slowly; and secondly, they prove fatal much more slowly.—When once set up, do you find in the natural tetanus any complete intermission? No, at least in certain forms of natural tetanus there is no intermission.—Where the first paroxysm does not prove fatal, are there occasional intermissions in tetanus from strychnia? Short intermissions.—Now, did you hear the evidence given by Elizabeth Mills of what took place on the Monday, and by Mr. Jones of what took place on the Tuesday night, when Mr. Cook died? I did.—Now, referring to your experience, both by personal observation and by study of the two classes of tetanus, to which should you refer the spasm and other symptoms spoken to by those two witnesses? To strychnia, or one of the natural poisons containing it.—Such as nux vomica? There are four kinds of poisons, differing from one another, which contain it.—What are those four? Nux vomica. St. Ignatius's bean, snake-wood, and a draught poison called exhetwick; they belong to different plants of the same genus.

Lord CAMPBELL.—From all of which strychnia may be obtained? From all of which strychnia may be obtained.

The Attorney-General.—Is there any natural disease to which you can refer these symptoms which you have heard described? None that I have ever seen or that I otherwise know.—Now, one thing with regard to animals and also to the human subject; when death takes place from tetanus or tetanic convulsions, does consciousness continue, or is it in any way overcome? As long as one can make an observation upon it it remains.—You mean until the vital power is passing away, ebbing away with life? When the animal is in a state of strong universal spasm, it is impossible to make any observation on its consciousness.—You say that in the animals that you have thus killed or seen killed, the heart remains with blood in it? Yes.—Is that also so with the human subject? No.



—Does it vary in the human subject? Yes.—To what do you ascribe the fact that it sometimes is found with blood in it, and sometimes it is empty of blood? To the particular mode of death, as the *d's* varying.—What mode of death would have the effect of emptying the heart? It is evident that in some instances, as in that case, that took place by spasms of the heart.

Lord CAMPBELL.—The spasm expels the blood? Yes.

The *Attorney-General*.—With regard to the finding of strychnia after death, where the death has taken place from strychnia, should you expect to find it or not? Not where the quantity is small.—But where there is an excess over the quantity necessary to destroy life by absorption, should you expect to find it or not? If the excess is considerable.—Have you formed any opinion as to the sufficiency of the colouring tests? Yes, I think they are uncertain in some respects.—Are vegetable poisons generally more difficult to detect? They are.—Are there some indeed for which there are no tests known? There is one I know for which there is no test that I know of.—Did you see the stomach that was sent to Dr. Taylor to operate upon? No.—You heard the description that he gave of it to-day? Yes.—What should you have said was the chance of finding strychnia there, even if there had been any left in the stomach? It was in a very unsatisfactory condition as given in evidence.—If you were called upon to analyse such a stomach as he has described, should you have entertained any reasonable expectation of doing any good with it? None, if I had not been informed that there was a considerable quantity of strychnia present.—You mean it would be necessary that there should be a considerable quantity of strychnia in the stomach beforehand in order to find it under the circumstances of which we have spoken? Yes.—You heard the evidence as to these other cases, the Leeds case, the Glasgow case, and the Romsey case? Yes.—Have you any doubt those were deaths by strychnia? They were deaths by strychnia, I have no doubt.—Do the symptoms of Mr. Cook appear to you to have been similar symptoms or not to those you have heard there described? Very similar.

Cross-examined by Mr. Grove.

I understand you that the experiments all but one that you made were made by you many years ago? Yes.—Were those experiments excluding the one before the colour-tests were known?—Yes; I do not think that I have made any observations upon my having experimented much upon the tests; none of the experiments that I made long ago had any reference to the tests.—Have you made any experiments with the colour-tests upon animals killed by strychnia? I have made an experiment in the case of a man poisoned by strychnia, and I failed to find strychnia by one of the tests.

Lord CAMPBELL.—We ought to know more about this case of the man poisoned by strychnia.

Mr. Grove.—Is that the only one in which you made an experiment of a colour test, a man or an animal? Yes.

Lord CAMPBELL.—When did that occur? In 1851.

Mr. Grove.—What was the test that you employed in that instance? The development of a violet-colour by means of sulphuric acid and oxide of lead; I have not tried the bichromate of potash.—You did not try that? Not in that case.—Nor the manganese? No.—And no experiments with animals with those tests? No.

Lord CAMPBELL.—You had better go into that case. It was a gamekeeper who was found dead.—Are you speaking of your own knowledge? I did not see the man; the case was put before me.

The *Attorney-General*.—You did not see the man die? He was found dead.

Mr. Grove.—Did you see the administration of strychnia to him? He was found dead upon the moors.—You know nothing of the circumstances before that of your own knowledge? Certainly not; the case was investigated and the particulars submitted to me.—Is this reported in the medical books? It is reported by the medical gentleman who consulted me upon the matter.—Where? In the Monthly Medical Journal of September, 1851.

Lord CAMPBELL.—Is it your opinion that animals who die of strychnia die of suffocation, asphyxia? From my own observation I should say so; but you will, in another part of my work to which you refer, find that I leave the question open.—What do you wish us to understand by asphyxia? Stopping of the respiration; the meaning of it is stoppage of the pulse, but it no longer means that in medical language.

Mr. Grove.—Where is it? It is under the head of *Nux vomica*, at the bottom of page 898.—I do not find that meets the question? It leaves the question open; it takes place there in an influence on the heart sometimes, and through an influence on the

respiration; it is now more open, particularly from the cases which have occurred of death from strychnia.—The state of the heart which you mention there would be consistent with death by asphyxia? Not with blood in the side of the heart.—You mention the fact that one was found with the heart distended with arterial blood? I think it is a fair inference, and I leave the question open in that passage; I quote experiments different from these.—There is a case where the heart is distended with arterial blood? It must have taken place from an affection of the heart.—I understand you to state that you do not put that as an inference in your book? It is to be understood that that was addressed to medical men, and they would understand it by that statement; I would beg to be allowed to add, that 12 years have elapsed since the publication of that book, and a great deal of information has been acquired upon the subject since.—I was going to ask you a question upon facts in which there is no change of opinion: you will tell me if they are correct: In the animals poisoned by strychnine that you examined, was there blood in the right cavity? Yes, in both.—Now you state in your book, and you tell me, that when death does not take place suddenly, in a fit of spasms, the person continues to be affected for 12 or 14 hours, with small or milder paroxysms; is that a statement which, according to your subsequent knowledge, is correct, that it continues to be affected? In the man to whom reference was made a short time ago, whom I saw—— Be kind enough to direct your attention to my question first; I have read the general classification of the effects of the poison? Yes, it is, as we were acquainted with the effects at that time.—And subsequently as to the general classifications; I am not asking any special case, as I read it, 12 or 16 hours; I do not mean to tie you down? I have known the effects cease in a shorter time.—You state at page 903, after mentioning a case where the body was rigid, “The state of rigidity, however, does not invariably occur; on the contrary, in animals the limbs become very flaccid immediately after death, but the usual rigidity supervenes at an early period.” I presume the rigidity of which you speak there is the rigidity of death, the *rigor mortis*? Yes.—You have a note:—“I have not altered the statement as to this point in a former edition, yet I strongly suspect that author that describes the spasms which produce death, and which continues the rigidity after death, must be inaccurate;” is that your present opinion? I think it is very likely, the interval being very short, that the attention may be attracted to the fact of there having been an interval of flaccidity.—I presume you do adhere to that opinion expressed in that note? There have been some cases mentioned, very strong indications certainly of the spasm having continued from the spasm of life to what we call the spasm of death; but I still think the differences which are indicated in different cases may be explained on the supposition that there has been a want of minute and accurate attention; I think it right to state, that in all investigations as to the action of these poisons, very close observation is necessary in order to appreciate them.—Now, you mention a case at page 906, where you say a boy, when he was touched, was immediately thrown into a fit; is it your present impression, in cases of poison by strychnia, that there is a tendency to throw the patient into a fit when touched? That is the only one; in animals it is very remarkable, it is not noticed in the generality of cases.—We have heard cases where it was peculiar; there is a case in Dr. Watson’s book, in which it is also mentioned? There is no doubt about that; I have been struck with observing that it has not been so often noted.—It is not that the absence of it is noted, but that it is not mentioned at all? It is not mentioned at all.—In animals, have you invariably observed it? Yes; unless you touch them very gently indeed.—I believe the bitter taste is very remarkable of strychnia? Very strong and enduring.—A grain in 80,000 gallons will make it taste bitter? So it is said; I have not myself tried the intensity of the taste; that is upon the authority of a French gentleman who discovered the poison; it is not my own observation.—You stated that care was taken, in administering it to animals, to administer it to them fasting; do you think it not likely it would supervene more quickly if administered to an empty stomach? Certainly; I stated that we took pains to administer it to a healthy animal and to an empty stomach.—Now, if resinous substances were used in a pill, would they not be found in the stomach on analysis afterwards? No, if they were not acted upon, they might pass into the intestines.—And be carried off you mean, is not that so; then they would be found in the intestines?—Yes; if not discharged.—Then the strychnia would be discharged with them, would it not? Certainly, or gradually acted upon equally with the resinous substances; resinous substances undergo solution in time in the intestines.—I suppose, if the resinous substance prevented the poison acting rapidly, it would prevent its absorption into the blood? For a time.—If so, the more likely to leave portions of it in the stomach or intestines, as the case may be? The more likely.

Re-examined by the Attorney-General.

Would that materially depend on the quantity of the dose? Both on the dose and



on the time during which the pill was allowed to remain.—You say that this case of the gamekeeper is reported? Yes.—By a medical gentleman who called in your assistance? Yes.—What are the facts of it? where do you say it is to be found? In the 'Monthly Journal of Medical Science,' of September, 1851.—What are the facts? A gamekeeper was found dead after being 4 days missing, and the head of the body was thrown back, and the hands clenched, and the muscles rigid; a paper of strychnia was found in his pocket, and I found in the contents of the stomach indications of strychnia sufficient to satisfy me under these circumstances as to the probable cause of death: by a process like that employed by Dr. Taylor I obtained an extract strongly and enduringly bitter, and which became yellow by nitric acid, but it did not give the indication of the other colour-tests mentioned.

Mr. BARON ALDERSON.—The violet colour? Yes.

Mr. Grove.—That is the oxide of lead? Yes.

Mr. BARON ALDERSON.—How did you ascertain that there was strychnia in the stomach? The gentleman who examined the case on the spot ascertained that there was strychnia.—What was his test? I do not recollect at the moment, but I was quite satisfied with his account of his method of investigation at the time: it is a very easy matter to detect strychnia when it is found in a state of purity.

The *Attorney-General*.—He had it in his pocket, as I understand? Yes; he was in the practice of using it for killing vermin.—With regard to the colour-tests generally, you have already, I think, expressed an opinion? I have nothing further to say upon that head: it appears that colour-tests are not to be relied upon in the case of strychnia in an impure condition: in the first place, you may not find indications of strychnia, and, secondly, they are subject to fallacy even if the strychnia is pure.—From what cause? From other substances not containing strychnia presenting similar appearances.—What are those substances that might present the same appearance? The substances mentioned by Dr. Taylor: I should add that I was not aware of the analysis until pointed out to me by Dr. Taylor and exhibited.—You saw the results produced by him? Yes.

*Adjourned to to-morrow at 10 o'clock.*

## SIXTH DAY'S TRIAL.

MAY 20, 1856.

Dr. JOHN JACKSON sworn.—Examined by Mr. *James*.

I believe you are a member of the College of Physicians? I am.—Have you recently returned from India, where you have practised for many years? I have.—How many years were you in practice in India? 25 years.—Have you had your attention directed during that practice to cases of idiopathic tetanus? I have.—And traumatic tetanus? In the same way.—Now, is the disease of idiopathic tetanus rare in this country? In England it appears to be rare.—Is it frequent in India? Comparatively with this country it is very frequent in India.—About how many cases of idiopathic tetanus have you seen, do you think, in the hospital at Calcutta and in the course of your practice in India? The proportion of cases of idiopathic tetanus compared with traumatic is about one-third.—But how many cases of idiopathic tetanus have come under your attention? Not less than 40 cases.—Does idiopathic tetanus generally prove fatal? It is equally as fatal as the traumatic.

Lord CAMPBELL.—That is in India? Yes; it is not so considered, but I have found it so.

Mr. *James*.—Is it common with children? Very frequently it is found in children, both native and European.—From exposure to cold? It takes place the third day after birth; it will also be occasioned by cold.—In that climate? Yes.—Are the symptoms similar to those of traumatic tetanus? In children, in infants, there is a more marked symptom of lock-jaw; in adults there is no difference in the symptoms of traumatic.—Now in that disease, especially idiopathic, which I am directing your attention to, is that preceded or not by premonitory symptoms? I have always seen it preceded by premonitory symptoms.—What premonitory symptoms? The premonitory symptoms are a peculiar expression of the countenance, stiffness in the muscles of the throat and of the jaw.—Now what is the usual period from the attack to death, where it proves fatal, in

idiopathic tetanus, from your experience of this class of diseases? If in infants it will kill in 48 hours.

Lord CAMPBELL.—Is that the usual course? Yes, 48 hours: in adults, arising from cold, it is of longer duration, and may continue many days, going through the same grades as the tromatic form.

Mr. James.—Have you heard the evidence describing the attack which Mr. Cook, the deceased, had on the Monday and Tuesday? I have.

Lord CAMPBELL.—Were you in court? I was not in court.

Cross-examined by Mr. *Serjeant Shee*.

In those cases of idiopathic tetanus, you say there are premonitory symptoms; does the patient appear uncomfortable for some time before the attack comes on? Always.—Does his appetite and desire for food continue as usual? That is not so much affected; he complains more of the muscles of his neck.—Does he continue to have the same relish for food for some time previous to a serious attack? He may do so within twelve hours, but he complains more of stiffness in the back of the neck, and stiffness in the front of his neck.—He may, you say, to within twelve hours of the serious attack? Yes.

Lord CAMPBELL.—He may do what? He may take his food as usual within twelve hours of the premonitory symptoms.

Mr. *Serjeant Shee*.—During the twelve hours, supposing the attack to be the first one under which he suffers, does he seem not to relish his ordinary food? His attention is more directed to the stiffness of his mouth and the stiffness of his neck.—You said to within twelve hours of the attack he relishes his food as if no attack was impending; but during those twelve hours or thereabouts which precede the first attack, does he not appear less desirous of food, and less inclined to eat it? I have never heard that complaint.—You do not remember that the desire for food continued within twelve hours previously? I have never heard that complaint.—Have you known cases of idiopathic tetanus in which the first paroxysm was in bed? Yes.—Have you known it to be preceded some time with restlessness in bed? I have known it preceded by stiffness of the neck and mouth, and I have known those cases take place in women after confinement, after miscarriage; sometimes difficulty of swallowing is observed.—And also a disinclination to try to swallow? Where there is difficulty there is sometimes disinclination.

Re-examined by the *Attorney-General*.

What interval has occurred in those cases that have come under your attention between the premonitory symptoms and the tetanic convulsions? In an infant not more than twelve hours.—And in an adult? From twelve to twenty-four hours; sometimes more than that.—And from the commencement of the tetanic convulsions to death, what time? That will vary, three days to ten days; it may take place early, sometimes perhaps in two days, but that is early.—Does that apply to tromatic as well as idiopathic tetanus? They are both alike when the disease sets in as regards the course of the symptoms.

Lord CAMPBELL.—Then idiopathic and tromatic only differ in this, that idiopathic seems to proceed without any external injury, and tromatic proceeds from an external injury? Yes; idiopathic will take place from an exposure to cold.

The *Attorney-General*.—Is the disease much more prevalent in India than it is in this country? These forms are much more common in India.—Are the symptoms more or less severe or not than in this climate? I do not see there is any difference; when once set up the symptoms of tetanus are the same.—In all your experience did you ever know a case in which the disease ran its course and ended in death in the space of twenty minutes or half an hour? I have never seen it.

Mr. DANIEL SCULLY BERGEN sworn.—Examined by the *Attorney-General*.

You are chief superintendent of police in Stafford? I am, and I attended before the coroner's inquest on the body of Mr. Cook; after the verdict was returned I searched the house of Palmer on Saturday night the 15th of December; I found some papers, and I took them from the surgery into the drawing-room; a great proportion of these papers were found in a drawer in the surgery, a few were found elsewhere, some in Palmer's bed-room; I searched every part of the house for papers, and I put all I found into one place in the drawing-room; I afterwards locked the door and put the key in my pocket. On the following day, Sunday, I endeavoured to make a selection from them in the presence of George Palmer, the brother of the prisoner.—He is an attorney in Rugeley? He is: I cannot say I had given him notice of what I was about to do; he was in the house and I found him there, or he came in immediately afterwards; he was present when I went through the papers, the greater part of the day, Sunday; I was assisted in



going through the papers by Inspector Crisp and Mr. Wollaston the Superintendent, and I made a selection from the papers; eventually I tied up all the papers; I gave up the idea of a selection; I continued the selection on the Monday, and took them all away: George Palmer was there on Monday, but I think not on Tuesday; eventually I thrust all the papers in a black leather bag without making any selection, every paper I could lay my hands on, and I conveyed them to Stafford; I was present some days after, on the 24th, when the bag was opened in my presence, when the papers were gone through minutely by Mr. Deane the solicitor.

**LORD CAMPBELL.**—On whose behalf did Mr. Deane act? He was acting for the prosecution, and Mr. Deane classified them.

**The Attorney-General.**—What was done with them when so classified? They were put up again in the bag at night; he copied a portion of them; when copied all the papers were placed in the bag, and they were left in the chief-constable's office and possession; when I was searching for the purpose of making a selection, I saw what the papers were.—Did you find anything of a cheque purporting to bear the signature of Mr. Cook on Messrs. Wetherby? No; I did not find any paper purporting to bear the signature of Mr. Cook respecting bills of exchange, with the dates, and acknowledging that such bills had been negotiated for the benefit of Mr. Cook, and that Palmer had had no benefit from them; no such document was seen by me; many of those papers were afterwards returned to George or William Palmer; Mr. Deane selected a large number of letters and documents, private accounts and private letters, which were delivered to Inspector Crisp, with instructions to deliver them to George Palmer.—When was William Palmer arrested? On the night of the 15th of December; I attended at the inquest on Mr. Cook, and remember Mr. Roberts and Mr. Newton being examined; I did not fetch Mr. Newton to be examined.

**Cross-examined by Mr. Serjeant Shee.**

The inquest was held at the Talbot Arms, was it not? It was, and it continued several days; it was adjourned from day to day; I cannot say how many days it was held consecutively; I think it was one day each time until the last, when it was held on Thursday, Friday, and Saturday; I think there was a fortnight interval between the first and second meetings; the first meeting was merely to impanel the jury.

**LORD CAMPBELL.**—There must be some one who can speak to these facts more accurately than this witness.

**Mr. Serjeant Shee.**—There were several meetings, and before it was concluded a fortnight or more passed? I think so, more; the prisoner Palmer was arrested a day or two before the verdict was delivered, by the sheriff in a civil process; he was about the place previous to that time until he was arrested on the civil process.—He did not attend the inquest on that day? He did not; he was not present, nor was any one acting professionally for him; I did not know there had been an officer from the London police at Rugeley some time before the death of Mr. Cook; I heard of Inspector Field being there, but I do not know him; I do not know the mother of Dutton alluded to by Elizabeth Mills; I have heard there are such persons as the Duttons, but I do not know them; I reside too far from Rugeley.

**Mr. HENRY AUGUSTUS DEANE sworn.**—Examined by Mr. James.

You are one of the firm of Chubb, Deane, and Chubb, of Gray's Inn? I am: I attended the inquest, on the part of an insurance company, on the body of Anne Palmer, but I did not attend the inquest on Mr. Cook. The first time I saw the prisoner's papers was at Stafford, on the 24th of December, in the custody of Bergen, the last witness. I assorted those papers and selected some of them: they were in a black bag, which was unsealed in my presence, and I went through them at that interview; Mr. Bergen, Mr. Hatton, and myself, were present: I carefully examined the whole of those papers, for the purpose of selecting those which it was necessary the chief constable should keep, and returning those which were immaterial to the brother of the prisoner, and I returned a very considerable quantity to George Palmer. Among the papers I saw unsealed, I found no cheque purporting to be signed by Cook on Messrs. Wetherby: I heard Cheshire speak of the document which the prisoner requested him to attest, but I found no such paper; I found no acknowledgment purporting to be signed by Mr. Cook, that bills to the extent of thousands had been accepted by Palmer for Mr. Cook's accommodation, nor anything like it: I saw George Palmer, the solicitor, after the selected papers were returned to him.

**Cross-examined by Mr. Serjeant Shee.**

Do you know of Mr. Field, a detective, having been to Rugeley some time previous the inquest? I do.—Were your firm solicitors to the Prince of Wales Insurance Office?

We were, and it was in my employment Field came down to Rugeley with me: he was at Rugeley merely a part of one day, but he was at Stafford, I think, for three or four days altogether: he did not see the prisoner during his stay in Stafford: his visit had been preceded by that of another officer of the name of Simpson: I saw him there part of the day Field was there, and at Stafford, but not at any other time: he went from Stafford to Rugeley with myself and Field: he told me he had seen Palmer before: Simpson came to Staffordshire, on my retainer, in the beginning of October.

Re-examined by Mr. James.

For what purpose was Field sent down? To make inquiries as to the habits of life of Walter Palmer, of whose death the office before had shortly received notice, and also to inquire into the circumstances of a person of the name of Bates, with reference to a proposal for an insurance of 25,000*l.* on his life.

Mr. ESPIN sworn.—Examined by Mr. James.

You are a solicitor in Davies Street, Berkeley Square? I am.—Are you solicitor for Mr. Padwick? Yes; I produce a bill for 2000*l.*, which was placed in my hands by that gentleman, to enforce payment of from the prisoner; I do not know the prisoner's handwriting.

[Mr. Strawbridge, the manager of the Provincial Bank at Rugeley, proved the indorsing and drawing of the bill referred to was in the prisoner's handwriting, and that the acceptance, purporting to be that of Sarah Palmer, was not in her handwriting.]

The bill, which purported to be drawn by William Palmer on Mrs. Sarah Palmer, and purporting to be accepted by her, dated 3 July, 1854, for 2000*l.*, at three months after date, was put in and read.]

Mr. James.—This bill would be due on the 6th of October, 1854? Yes, 1000*l.* had been paid off the bill when it was placed in my hands; the bill was placed in my hands for the purpose of enforcing payment: it must have been about the 12th of December, because I signed judgment and issued execution on that day, and it must have been a day or two previous; I signed judgment a day or two after it was placed in my hands; I did not apply for the money in November; I have two letters here from William Palmer addressed to Mr. Padwick.

[Mr. Strawbridge identified the writing of the two letters, dated 12 November, 1855; and 25 November, 1855, which were put in and read.]

Have you got the cheque which that letter of the 12th of November enclosed? That is the cheque (*producing it*) for 1000*l.*; it is dated 28th November, coming in a letter of the 12th of November: that cheque was not paid, and I now produce it unpaid: I produce another cheque, dated 8th December, 1855, for 600*l.*—(*The handwriting of the prisoner to the cheque referred to was proved by Mr Strawbridge, and it was put in and read.*) That cheque was not paid: it was received about the date of it, a few days after the other 1000*l.* cheque was dishonoured: up to the date of the execution I sent down on the 12th, the 1000*l.* still remained due: it was a *ca. sa.* against his person on which he was taken.

Cross-examined by Mr. Serjeant Shee.

When did you first see the cheque of 8 December? I think a day or two before the 12th; I believe all the documents were placed in my hands together; I think so.

Mr. James.—Do not tell us what occurred; but was an action brought against the mother on this bill? There was.—Have you got all the papers here? I have.

Mr. WILLIAM BAMFORD sworn.—Examined by the Attorney-General.

You are a surgeon and medical practitioner at Rugeley? A surgeon and apothecary at Rugeley in Staffordshire.—When did you first see the deceased John Parsons Cook? On Saturday 17 November.—Did William Palmer desire you to visit the deceased? William Palmer called on me to ask me to attend a friend of his who was unwell at the Talbot Arms.—What representation did Palmer make to you about the state of Cook? That he had been dining with him the day before, and had taken too much wine.—Did he say what wine? Champagne; I walked down with Palmer to see Cook, and I asked him if he had taken too much wine the day before, and he answered me he took about two glasses; I did not find any symptoms of a bilious character about Cook; no appearance of bile while I saw him, but a constant vomiting; Palmer had been called up that morning to him at six o'clock; I prescribed a saline effervescing draught for him, a six-ounce mixture.

Lord CAMPBELL.—All this appears on the deposition.

The Attorney-General.—Did you afterwards prescribe any pills for him? That was on my second visit; I never saw him take any of those pills; I prepared some medicine,



and the pills that were prepared for him; Palmer stopped at my house; after I prepared the pills on the Monday evening, I took them myself; I took both the medicine which I gave him in the morning, and the pills in the evening; I took them to the Talbot Arms, and gave them the servant who had been waiting upon him, but I cannot say her name; I saw her take them up stairs; those pills were of the same ingredients as I had made for him on the Saturday, Sunday, and Monday.—Did you see Palmer on the Tuesday? I saw him on the Tuesday morning; I was going down to see the patient when he met me; I asked him if he had seen Cook the night before; he said he saw him between 9 and 10 o'clock, and he was with him for half an hour; he requested I would not go to disturb him, as he did not wish me to see him, and I went home without seeing him; between 12 and 1 o'clock Palmer met me again; I was going to see Cook when he stopped me, and said he did not wish him disturbed; Palmer said he was still and quiet, and he did not wish him to be disturbed; at 7 o'clock Palmer came up to my house again, and requested me to go down and see him again; that was the first time on the Tuesday.—After you had seen Cook, did you go out with Mr. Jones and William Palmer? I did; I walked out with Mr. Jones and William Palmer.—Had you any conversation with them outside? Nothing more than Palmer said he would rather wish him to have his pills again: and Mr. Palmer walked with me to my house for them.—At the time Palmer said he wished him to have his pills again, did he say anything else? Nothing more to me, but he said he would walk up with me for them.—Did he walk up with you for them? He did; he stood by while I prepared them; I prepared them in my surgery, and he stood by; he saw me weigh the ingredients out.—Had you any strychnia on your premises? Yes, in a cupboard in my private room, but not in my surgery; after I made up the pills I wrote the direction, "The night pills: John Parsons Cook, Esq.;" I wrote the direction for the pills every night; I wrote the same on all the four nights; on the Tuesday, before I wrote the direction, Palmer requested I would put the direction on, nothing more, and he saw me write it.—What passed between you? I do not know anything passed while I was preparing them; he took them away with him; nothing else was said by him about writing the direction; I never saw Cook alive after that time.

Lord CAMPBELL.—What time was it when Palmer took away the pills? Between 7 and 8 o'clock; I cannot exactly say when Palmer took away the pills; I wrapped the direction and the box up in a separate paper and sealed it before I gave them to him.

The *Attorney-General*.—When you say you sealed it, did you put any impression on it? Nothing more than sealing-wax at each end of the box; the words "Night pills" were written on the outside paper: there was a separate paper.—Was there anything written on the box? Not anything written on the box: after I had put them in the box I took the direction, filled it up, then wrapped it up in a separate piece of paper; the direction was written on a square piece between the box and the outside paper: I sealed the two ends of the outside paper at each end of the box; there was nothing written on it: I saw Cook dead at 20 minutes past 12 as near as could be: I understood he was alive when they came up for me, and I could not have been above 5 or 10 minutes before I came.—In what state did you find the body? I found the body stretched out stiff, as straight as it could be, on its heels and back, with each arm in a rigid state at the side of him.—Was there anything in the position of the body unnatural? Nothing that I saw: his arms extended down each side of his body, and his hands clenched as mine are: I gave it as my opinion that he died from apoplexy, and I filled up a certificate accordingly.—Who asked you to fill up the certificate? Palmer; I had the form of the certificate in my own possession: on Palmer asking me to fill up the certificate I told him it was his place, as he was his patient, to have filled up that certificate, but he said he had much rather I would do it, and I did it: I was present at the post-mortem examination: after it was over, Palmer said we ought not to have let that jar go.—Did he say why you ought not to have let it go? He did not say more.

Cross-examined by Mr. *Serjeant Shee*.

How far is your house from Palmer's house; I collect it is a very short distance? Perhaps 300 yards.

Mr. THOMAS PRATT sworn.—Examined by Mr. *James*.

Are you a solicitor? I am.—Where are you in practice? In Queen Street, May Fair.—Were you acquainted with the prisoner, William Palmer? I was; my acquaintance with him commenced in the latter end of 1853: I obtained for him a loan of 1000*l.*, which was ultimately paid in the end of November, 1853: in October, 1854, I was employed by him to make a claim on two policies, on the life of Anne Palmer, 5000*l.* from the Sun, and 3000*l.* from the Norwich Union: the money was applied in payment of three bills,

I think amounting to perhaps 3500*l.* or 4000*l.*, which was due on acceptances and loans, subsequently obtained, after I made the claim on the policy: there was 1500*l.* of that money not so applied: 6500*l.* was applied in payment of those loans, and the 1500*l.* he received, or the money was applied, as requested, for his purposes, without payment of any liabilities.—In April, 1855, did he make any application for a loan for any purpose? He did; for a loan of 2000*l.*: I am not aware he stated the purpose for which the loan was required; no horses were mentioned, and I obtained that loan on the security of a bill, drawn by himself, for 2000*l.*, and accepted by Sarah Palmer: I now produce eight bills, which were held by myself, or clients of mine, on the 20th of November, who had advanced money on them; four were held by my clients, and four by myself.—Now what was due on those bills at that time? There were two bills overdue at that time.—(*The eight bills produced by the witness were put in and read.*)—Of those bills was 6000*l.* renewed and due in January, and 7500*l.* overdue in your hands after November? Two bills of 2000*l.* each, due respectively 25th and 27th October, I believe, were the only bills which were due at the period alluded to, the 20th November: the others had been renewed, with the exception of one for 500*l.* and 1000*l.*, which were held over from month to month, and the interest for holding these bills over was to be paid to me from month to month; these bills, with two exceptions, were discounted at the rate of 60 per cent.; these exceptions were 40 per cent., that was only on two occasions, and not continued; on the 9th of November the interest for the holding over of those bills was due.—Do you remember the death of Walter Palmer? I do; that occurred in August of last year: I was instructed by the prisoner to make a claim on the Prince of Wales Office for a sum of money on the policy on his life; the amount I claimed was 13,000*l.*; Sarah Palmer is the prisoner's mother, and from time to time I addressed letters to her while I was the holder of these bills; on the 16th of September, 1855, I wrote a letter to the prisoner.

[Captain *Hatton* identified the letter referred to and several others produced as having been found among the prisoner's papers.—The letter was then read.]

\* Was the Prince of Wales the office in which you were claiming the 13,000*l.* for the prisoner on Walter Palmer's death?—Yes. (*A letter of the 24th September from Mr. Pratt to Palmer, and a letter dated October 2nd, were then read.*)—I presume you had written to Mrs. Palmer in consequence of the reference to her? I presume I had in consequence of that. (*A letter from the prisoner to Mr. Pratt, dated Oct. 5th, 1855, and letters from Mr. Pratt to the prisoner, dated Oct. 4th, Oct. 10th, and Oct. 18th, were read.*) On the 27th of October Palmer called on me and paid me 250*l.* on account of the principal money of the two bills due on the 26th and 27th; I was to have a further payment in the course of a day or two; I think the following Wednesday he said he would send me another sum of 250*l.*, and that he was to take an opportunity of letting me have the balance of the principal by payments as quickly as possible.

[Captain *Hatton* proved that he did not find among the letters in the prisoner's possession any letter dated 27th of October.

A letter of the 27th of October was called for by Mr. *James* and not produced.]

Mr. *Serjeant Shee* submitted that the notice to produce, served on the prisoner, calling for "all letters from Mr. Pratt to you," was not sufficiently definite.

Lord CAMPBELL.—If the letter is worth asking for, the notice is sufficient.

Mr. *James*.—Produce the letter of the 28th October, from the prisoner to yourself? This is it. (*The letter was produced and read; a letter 31st October from Mr. Pratt to the prisoner was also read.*)—On the 6th of November did you issue writs? I did, against the prisoner and his mother on the two bills for 4000*l.*; I sent those writs to Mr. Crabb, a solicitor at Rugeley; I have here a letter without date from the prisoner to me; from the endorsement I believe I received it on the 9th of November (*the letter was handed in and read*): on the 10th of November Palmer called on me, and paid me 300*l.*; with the two sums I had received before, it made a payment of 800*l.* on account of these bills.—Was there a sum of 200*l.* deducted for the interest? Yes; and the credit was 200*l.* on account of the principal; he was to endeavour to forward me further money, but I do not think anything positive was said about it; I have not any recollection of any definite sum being fixed: I think I might have mentioned the fact of the writs being issued; I have no doubt I did mention it, but I have not any positive recollection of it. (*Letters of the 13th November, from Mr. Pratt to the prisoner, and the 16th November, from the prisoner to Mr. Pratt, were put in and read.*) That alludes to a payment; and a person whose name I do not know called on me with a cheque on Saturday the 17th of November, and paid me 300*l.* on account of the prisoner; that was a cheque of Mr. Fisher.



(A letter dated Sunday, 18th November, from the prisoner to Mr. Pratt, was put in and read.)—Monday, the 19th of November, was the settling day at Tattersall's after Shrewsbury races: did Palmer call on you on the 19th? Yes; he called, I think, after 3 o'clock, and signed the paper now produced, which was drawn out by myself at my office on that day (*the paper was read*): when he signed that, he gave me 30*l.* in notes and a plain cheque for 20*l.*, making it 50*l.*; I believe it was a cheque of Mr. Herring's.—What was the meaning of the 450*l.*? The 450*l.* he said I should receive through the post from a Mr. Herring or Henning, I am not sure which; I afterwards received the cheque from Mr. Herring, produced, for 450*l.*, and it was paid through my bankers.—That made his payment 1300*l.* on account? Yes. (*Letters of the 21st of November, from the prisoner to Mr. Pratt, and 22nd of November, from Mr. Pratt to the prisoner, were read.*)

(*The Court adjourned for a short time.*)

Mr. James.—There is a letter of the 20th November, from Palmer to Pratt, and another from Pratt to Palmer of the same date, then on the 23rd again Palmer to Pratt; on the 24th did you see him? I did.—Did he sign that paper, the body of which is in your writing at that interview? Yes.—That is, "I have paid you this day 100*l.*; 75*l.* you will pay for renewal of 1500*l.*, due 9th November, for one month, and 25*l.* on account of 2000*l.*, due 25th October, making 1325*l.* on that account." Had you received a cheque of 75*l.* from Messrs. Wetherby? Yes.—Had that cheque been paid by them or not? No, it was refused.—Then there is a letter of the 26th November, from the prisoner to Pratt. "Strictly private and confidential." "My dear Sir, should any of Cook's friends call on you to know what money Cook ever had of you, pray do not answer that question or any other about money matters until I have seen you, and oblige yours faithfully William Palmer." There was a bill of sale alluded to in the correspondence on a mare called Polestar, and another horse called Syrius: did you know John Parsons Cook the deceased? I did not.—When was that bill of sale executed? At the beginning of September.—Did you ever see Cook on the subject of that loan? I never saw him at all.—Who made the application and transacted the loan? The prisoner.—What was to be advanced upon that bill of sale? It was an acceptance for 500*l.*—Drawn by Palmer on Cook? Not at that time.—Was there a bill afterwards drawn? The bill was sent to me through the post, without any drawer's name.—The bill of sale bears date 6th September, 1855: have you any letter from Palmer on the subject of the application for that loan; I think you have two in July and August? The first is 26th of August, and there is another of the 30th.—In that was the acceptance of Cook for 500*l.* enclosed? Yes.—Did you advance on that acceptance for which the bill of sale was collateral security a sum of 375*l.* and a wine-warrant? Yes.—You have two letters of the 6th and the 9th September, both from Palmer to Pratt, in compliance with that letter of the 9th; did you write this letter of the 10th September and address it to W. Palmer, Post Office, Doneaster? Yes.—Did this letter enclose 300*l.* in notes and this cheque for 375*l.* payable to Mr. Cook? Yes.—You directed that to the Post Office, Doneaster, enclosing 300*l.* cash, and this cheque for 375*l.* and a wine-warrant; was that the consideration for the bill of sale and Cook's acceptance for 500*l.*? Yes.—The other 300*l.* which you say you sent in cash, had that anything to do with Cook's transactions? No.—Then there is a short letter from Palmer acknowledging the receipt of that at Doneaster; you say you had never seen Cook in your life, never spoken to him? I am not aware of it.—Besides this transaction with Cook of 500*l.*, was there one before that of 200*l.*? Yes.—Was that an acceptance of Cook's? Yes.—Was that bill paid? That bill was paid.—Besides that transaction of 200*l.* and this of 500*l.*, had you any other pecuniary transactions with Cook in which his name was involved? None whatever.—What was the date of the bill for 200*l.*, the first transaction that you had that was paid? Either the end of April or the beginning of May, 1855.—Was that a bill drawn by Palmer on Cook? It was, and paid by Cook.

Mr. STEVENS recalled.—Examined by Mr. James.

Will you look at this cheque for 375*l.*, the endorsement upon it, and say is that in the handwriting of Mr. Cook? No.—You observe that that signature is, "I." or "J. P. Cook?" how was he in the habit of writing his name? I never knew him write his name any other way than "J. Parsons Cook."

Mr. STRAWBRIDGE recalled.—Examined by the Attorney-General.

Look at these acceptances, purporting to be with the signature of Sarah Palmer, or in the handwriting of Sarah Palmer?

Mr. Serjeant Shee.—Is that evidence in this case?

Lord CAMPBELL.—We all think it is admissible.

The *Attorney-General*.—Are they in the handwriting of Sarah Palmer? No; not one.—Look at this cheque of 375*l.*; had Palmer an account with you at the Rugeley Bank at the time that cheque was drawn? He had.—Was that cheque paid into your bank to his credit? I cannot tell; the book is in court; I can only prove remitting it.

WILLIAM CHESHIRE, sworn.—Examined by the *Attorney-General*.

Are you a clerk in the National Provincial Bank at Rugeley? I have been, but I am not at present.—Were you so in the month of September last? Yes.—Had William Palmer an account with the bank? He had.—Was that cheque paid into your bank: did you receive it? I received that cheque.—From whom? Henry Cockayne.—Who is he? A groom of Palmer's.—Was that cheque carried to Palmer's credit? It was.—I believe your bank received the proceeds? Yes.

Cross-examined by Mr. *Serjeant Shee*.

Did you know Mr. Cook at all at the bank? I did not.—He had no transactions with you? No.

Mr. PRATT recalled.—Cross-examined by Mr. *Serjeant Shee*.

Now, I call your attention first to the last transaction which has been mentioned, but the earliest one in date of May 1855—in May 1865, previously to that first transaction you knew nothing at all about Cook? Nothing whatever.—But you had, I believe, a sum of 310*l.* in your hands due to Palmer? I had.—And Palmer wished you to add to that a sum of 190*l.* to pay a sum of 500*l.* to a person of the name of Sargent? Exactly.—And you declined to do that without further security? Yes.—And he then proposed the security of Cook? An acceptance of Cook.—Did you then make inquiries about Cook? No, I made no inquiries.—And did he represent Cook at that time to be a gentleman of respectability and substance? Yes.—And upon his representation you agreed to accept a bill drawn by him on Cook for 200*l.*, and to discount it? Yes.—And so he got the 500*l.* that he wanted? Yes.—Did Cook ever complain to you that he did not receive any money on that mortgage transaction of his, two race-horses? I never saw Cook.—Did he complain by letter? By letter neither.—You had a communication by letter with Cook; I do not mean as to that transaction? On the first transaction I wrote him, sending him the 200*l.* acceptance.—And just before his death did you not write to him, calling on him for payment? Yes.—Have you the letter? No, I have not a copy of it.—You held a bill of his, did you not, for 200*l.* which you had discounted? No, the 200*l.* was paid in July by Cook, and I returned him the acceptance.—But you wrote to him just before he died? I wrote to him, I think it was on the 13th of November.—Was it not later? No, I think not: reminding him that the 500*l.* was due on the 2nd December.—You sent that to Lutterworth? Yes.—And that letter you directed how? I addressed it to Lutterworth.—Do you know a Mr. Jones of Lutterworth, care of Mr. Jones? No, I do not, I simply addressed it to Lutterworth.

Re-examined by the *Attorney-General*.

The first 200*l.* bill was not paid when it was due, was it? It was due, I think, on the 29th of June, and it was not paid: after that I wrote to Mr. Cook for payment.—Did Mr. Cook afterwards come up? He came up and paid it himself.—On the 2nd of July? On the 2nd of July: I was not in the way.—You did not see him yourself? I did not see him when the 200*l.* was paid.

Mr. *Serjeant Shee*.—Do you happen to know how Mr. Cook and Palmer stood as to the winnings on the Shrewsbury races? I have not the slightest notion.

JOHN ARMSHAW sworn.—Examined by Mr. *Welsby*.

I believe you are an accountant in practice at Rugeley? Yes.—On the 12th of November last were you employed to apply to Palmer for the payment of a debt? On or about the 12th.—What was the sum, do you remember? About 60*l.*—Due to whom? Messrs. Hopkins and Bown.—What are they? Mercers and drapers at Rugeley.—I believe on the 19th of that same month you sent up instructions for a writ? I did.—On the following morning, the 20th, did Bown send you to Palmer? Yes.—Did you go to the prisoner, to his house? Yes.—Did he pay you any money? Yes.—How much? Two 50*l.* notes.—Did he say anything about them? No, it was in satisfaction of the debt.—Did he say so? Yes; and he hoped they would not make him pay the costs.—What notes were they? One a Bank of England note, and the other a local note.—I believe you took the money to your employer Bown, for him to give the change and to settle with the prisoner about the costs? Yes, I took the money, and told him to go and take the change and receipt and settle with him about the costs.

Cross-examined by Mr. *Serjeant Shee*.

What time in the day was this? 8 or 9 o'clock in the morning.



JOHN WALLBANK sworn.—Examined by Mr. *Welsby*.

I believe you are a butcher at Rugeley? Yes.—Do you remember on the 12th of November last, on a Monday, Palmer's man, Bates, coming to you to fetch you to Palmer? Yes; I do not recollect the day of the month, but it was on a Monday.—Was it before Mr. Cook died? It was the Shrewsbury race-week.—In consequence did you go to Palmer's house? I did.—Did you see him there? Yes.—What did he say to you? He said, "Wallbank, I want you to lend me 25*l*."—What did you say? I said, "Doctor, I am very short of money, but I will try if I can get it."—What did he then say? He said, "Do, that is a good fellow."—Anything more? He said, "I will give it you again on Saturday morning;" and he did so.—Did he say anything about Shrewsbury on that occasion? He said he should receive some money or see a fellow at Shrewsbury, and he would give it me again on Saturday morning.—I believe you met him in the street on the Saturday? Yes, I saw him accidentally on the Saturday morning.—And he desired you to follow him to his house, did he not? Yes.—Did you go? Yes.—Did he pay you the money? Yes.—What in? I cannot exactly say.

Cross-examined by Mr. *Serjeant Shee*.

Has Palmer lent you money sometimes? Yes.—Frequently? Yes, when I have asked him he has never refused me; we were always on friendly terms.—Mrs. Palmer, the mother, lived in the town? Yes.—In a large house near the church? Yes.—Do you know whether the prisoner was in the habit of going there? Yes, frequently.—You have seen him go in there? Yes.—Many times a-week? I could not say that.—Often? I have walked up with him when he has been going there.

JOHN SPILSBURY sworn.—Examined by Mr. *Bodkin*.

What are you? A farmer.—Where do you reside? Near Stafford.—Had you dealings with the prisoner, Palmer? Yes.—In November last was he in your debt? Yes.—To what amount? 46*l*. 2*s*.—Did you call upon him on Thursday, the 22nd of November, at his house? Yes.—And did he pay you then the amount you mentioned? Yes.—How did he pay you? With a Bank of England note for 50*l*.—Did you go to him on that day by appointment, or did you call casually? I called casually.—Had you applied to him for the money before that? No, I believe not.

Cross-examined by Mr. *Serjeant Shee*.

I dare say he had owed you more money than that on previous occasions? No.—Had he dealt with you long? That was the first transaction I ever had with him.

Mr. STRAWBRIDGE recalled.—Examined by the *Attorney-General*.

Can you tell me what was the state of Palmer's account with your bank on the 19th of November?

Mr. *Serjeant Shee*.—What are you in the bank? Manager.—Have you the books here? I have a copy of the account, which I examined myself, but I can speak positively without the copy.

The *Attorney-General*.—Then you can tell me what was the state of his account on the 19th of November? 9*l*. 6*s*. in his favour.—Did he pay in any money about that period or shortly after that? No.—Was nothing paid to the credit of his account after that time? No.—How long had that been the condition of his account? The last payment to the credit of his account was on the 10th October, 50*l*.; before, I think, the 50*l*. was paid in, the account was creditor.

HERBERT WRIGHT sworn.—Examined by Mr. *James*.

I believe you are a solicitor, in partnership with your brother at Birmingham? I am.—About how long have you known Palmer, the prisoner? July, 1851, since that period.—What was he indebted to you in November, 1855; about what sum? He was indebted to my brother in 10,400*l*.—Had you a bill of sale upon his property? I had.—Is that here? That is the bill of sale in the name of my brother.—Is it executed by Palmer? It is.—It is dated the 5th of May, 1855, purporting to be made between William Palmer of the one part and Edwin Wright, of Birmingham, of the other: were there any race-horses assigned? There were.—Was it an absolute bill of sale of all he had? Certainly, subject to redemption.

Mr. *Serjeant Shee*.—With a power of sale? With a power of sale.

Mr. *James*.—I see the horses he had are in the schedule? Yes.—You say this sum, which this bill of sale was to secure, had been advanced upon bills? I do.—All the advances, I think, were made upon bills? Certainly.—The existing debt of 1600*l*., at that time 10,400*l*. more advanced; in fact, did the whole debt consist of advances on bills? Certainly; together with other securities.—Have you any of those bills? They

are all here.—Do they purport to be accepted by the mother? They do, by Sarah Palmer.—Perhaps you may hand them in; they run over a period from the 5th of June, 1854, to the 12th of October.—There are bills to the value of 6500*l.*, purporting to be the acceptances of Sarah Palmer; that is a bill which was given contemporaneously with the execution of the bill of sale, a bill the liability alone of William Palmer for 2300*l.*—That is the sum specified there to be advanced? That was so; and there is the acceptance of William Palmer for 1600*l.*, making with the bills you have the 10,400*l.*—Now, during the months of October and November, were you pressing Palmer personally for the payment of those bills? Not during the month of October.—Were you in November? The early part of November.—Many of these bills which were over-due remained over-due, and no renewals were taken in many instances? That was so as between Palmer and my brother; this money was not considered to be due until the Cambridgeshire Newmarket Meeting terminated.—When was that? I should say the money was due the first or second week in November.—Had he proposed to pay then? He always said that was the time at which the money would be paid.—That is at the latter end of October? At the latter end of October, or some time in the early part of November; I would rather say, if you please, the first or second week in November; I do not consider that I was entitled to ask for payment earlier.—But, before the 20th of November, had you pressed him for payment? Certainly.—Did you put this bill of sale in force in December? I did.—On what day? I hardly remember the day; it was after the verdict had been returned; the coroner's verdict.—Were you yourself present when his property was taken? I was.—Did you take any papers of his at all? Certainly not.—Or find any papers? I did not.

Cross-examined by Mr. *Serjeant Shee*.

Was an auctioneer sent down to seize? A sheriff's officer.—Did an auctioneer go with him? The auctioneer followed after the seizure had been effected.—And you took possession of a good deal of property there? That was so.—You say you were pressing him; you did not object to putting the thing off, and taking the interest? There was never such a proposal.—You would not if there had been? I hardly know what I should have done.—That would depend on the amount of interest; you know very well you would not have objected to let the thing go on a little longer, holding the security? Probably not, if money had been forthcoming.—You were friendly with him? I was not hostile.—I believe you had also upon his introduction accommodated Mr. Cook? Certainly not.—At no time? Oh no.—I ask you the fact whether you had upon his introduction accommodated Mr. Cook with money? Certainly not; I had offered to do it, but the transaction never assumed completion.—How long before Mr. Cook's death did it fail to assume completion? Mr. Cook saw me, I believe, on the 14th of September.

Re-examined by the *Attorney-General*.

What amount of interest would have been payable on the renewal of this amount; what rate of interest? My friend asked you whether, supposing Palmer had proposed to you to renew this security or carry it on without renewal, whether, on the payment of interest, you would have consented to do so? Yes, if the interest had been forthcoming.—I want to know what would have been the amount? These bills were discounted at 60 per cent. per annum.—If they had been to be renewed, would it have been the same rate of interest? Very likely.—At all events, not much less? I do not think that is likely.

Mr. STRAWBRIDGE recalled.—Examined by Mr. *James*.

Look at these acceptances to the bills produced by Mr. Wright; are they Mrs. Sarah Palmer's? Certainly not.

Cross-examined by Mr. *Serjeant Shee*.

Have you any of Mrs. Sarah Palmer's handwriting here? I have not.—Is this very different from it? Yes, certainly.—You know it at once not to be? I know it is not her writing.—It is an imitation of it? It is an imitation, but a very faint imitation.—It could not deceive you for a minute? Certainly not; I should not pay cheques signed in that way.

The *Attorney-General* said that Mr. Wetherby was the only remaining witness for the prosecution, and, as he was not now in court, he hoped their Lordships would allow him to be examined in the morning, before his learned friend opened the defence.

Mr. *Serjeant Shee* asked the Court to permit the witness Mills to be recalled, in order that he might examine her as to where she was now residing.

The *Attorney-General*.—She was cross-examined upon that point.

Lord CAMPBELL.—We are of opinion that there is no ground for recalling her.

Mr. *Serjeant Shee* asked permission to put some further questions to Dr. Devonshire with regard to his having been pushed by Palmer during the post-mortem examination.



Lord CAMPBELL.—By all means.

Mr. JUSTICE CRESSWELL observed that he did not think it was a circumstance to which much importance could be attached; he had not taken a note of it.

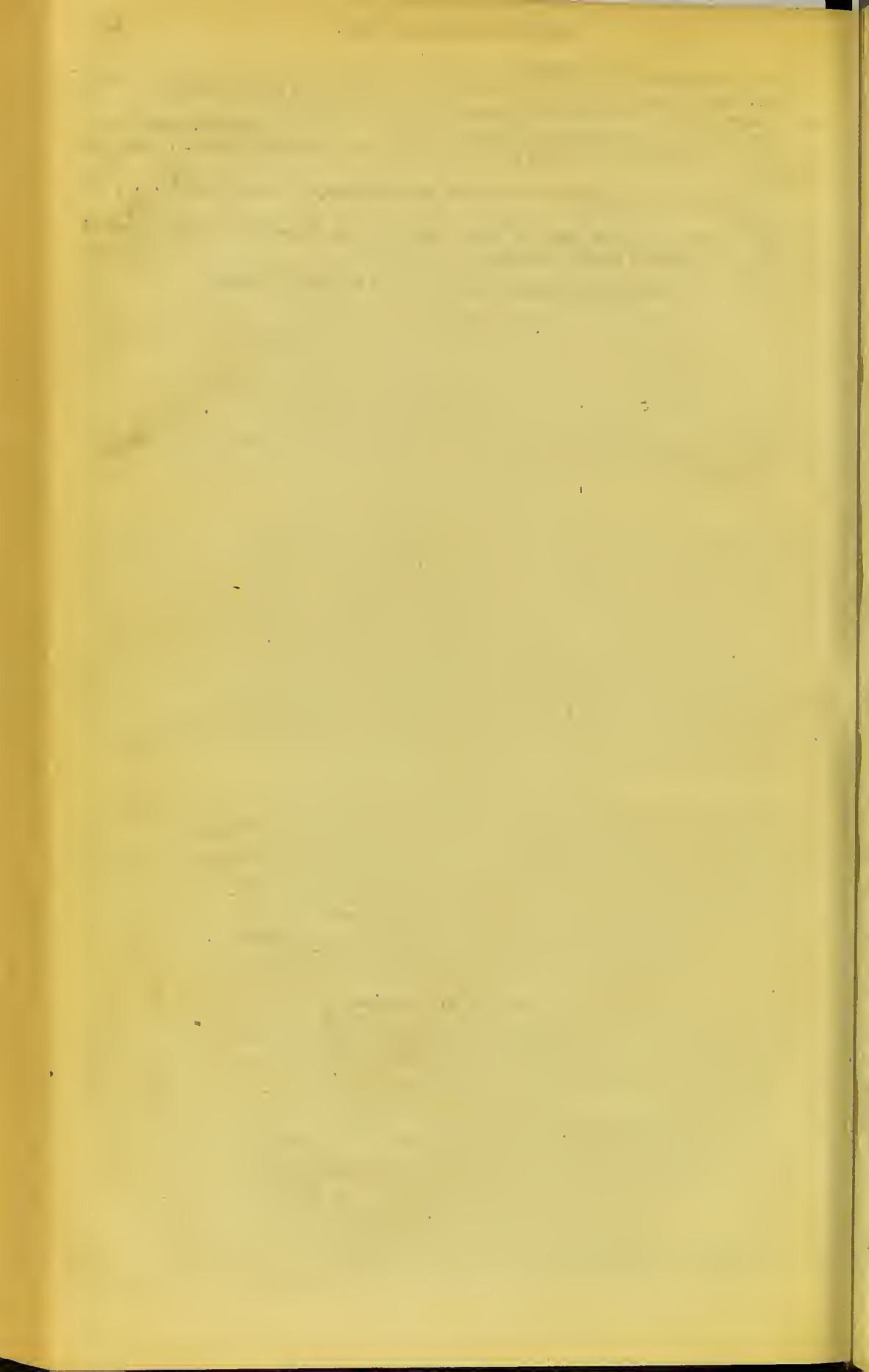
Mr. BARON ALDERSON expressed a similar opinion. There was nothing extraordinary in a person who was interested in the examination being anxious to see all that was going on.

Mr. *Serjeant Shee*, after that intimation of their Lordships' opinion, would not press his request.

Lord CAMPBELL hoped that the jury would have an opportunity given them of breathing the fresh air that fine evening.

*The Court adjourned at half-past 3 until 10 o'clock to-morrow.*

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# SEVENTH DAY'S TRIAL.

MAY 21, 1856.

The *Attorney-General* said, before Mr. Serjeant Shee commenced his address, with the permission of the Court he wished to ask two or three questions.

CHARLES WETHERBY recalled.—Examined by Mr. *Welsby*.

You said, when you were examined the other day, that on the 21st of November you received a letter from the prisoner enclosing a cheque for 350*l*.? I did.—I think you did not produce that letter on that occasion? I was not asked for it.—It is dated November 20th, 1855, from William Palmer; did you receive, on the morning of the 23rd, another letter from the prisoner? Yes.

Cross-examined by Mr. *Serjeant Shee*.

You know the hand-writing of Mr. Cook? Yes.—That cheque was written by him?—As far as I recollect it was.

The *Attorney-General*.—Was your attention particularly drawn to it? No; it was not.—Have you any recollection whether it was signed J. P. Cook, or J. Parsons Cook? No; I have not.

Lord CAMPBELL.—Did you examine the hand-writing? Not particularly; I observed the body of the cheque was not in Cook's hand-writing.

Mr. *Serjeant Shee*.—When that cheque was presented, you had not funds of Mr. Cook's in hand to meet it? No.—They were afterwards sent up by Mr. Frail, the clerk of the course at Shrewsbury? I expected to have received them.—Were they not eventually sent? No.—In the ordinary course of things, ought they to have been there on the day appointed: supposing that Mr. Frail had any money as clerk of the course to pay to Mr. Cook, ought they, in the ordinary course of things, to have been there on the day you received the cheque? That I cannot answer absolutely; the clerks of the course at the different races, when they have to settle accounts with us, some do it immediately, and some take a few days; there is no time that the money ought to have been there.—But, in the usual course, if he had any claim upon it, he might deduct what claim he had? It was a week after Mr. Cook had won, and Mr. Cook might reasonably suppose it would have been in hand at that time: I cannot tell you any more.—You informed Mr. Palmer, when you did not pay his cheque, the reason for not paying it? Yes.—Did he afterwards insist that you should not part with the money to anybody else? Yes, in a notice.

JOHNSON ROGERSON BUTLER sworn.—Examined by the *Attorney-General*.

I believe you attend races, and bet upon commission? I do?—Were you at the Shrewsbury races? Yes.—Had you an account there to settle with Palmer? I had.—How did the accounts stand: what had you to receive or pay to him? I had to receive.—How much had you to receive from Palmer? About 700*l*.—Was that money that you had to receive from him in respect of bets that you had made for him at previous races? At Liverpool.—You had backed horses for him at Liverpool? Yes.

Lord CAMPBELL.—Bets you had made for him and paid? Yes.

The *Attorney-General*.—Had you any money to receive from him in respect of the Shrewsbury races? No.—Did you endeavour to get your money at Shrewsbury? I did.—And did you get any? I got 40*l*.—Did he give you any reason for not paying you more: what passed between you? I asked him if he would let me have some money, and he said he had none, that he had some to receive.—Did he tell you how much he had to receive? No.—Did anything else pass? Yes; he gave me a cheque for 250*l*.—Upon what bank? The Rugeley bank.—Was the cheque paid? No.—Have you ever got the money? No.—Did you know Mr. Cook's horse Polestar? Yes.—What, in your judgment, was Polestar worth after she won the race at Shrewsbury? About 700*l*. after she had won.—Would she have been worth more before she won? Yes.—You mean with her engagements I suppose? Yes.

Cross-examined by Mr. *Grove*.

Did you receive any money for Palmer on Polestar? Yes.—Did you keep that? I did.

Mr. STEVENS recalled.—Examined by Mr. *James*.

Was the mare Polestar sold at Tattersall's? She was.—When? The 10th of March last.—Sold by auction? Yes; for 720 guineas.

The *Attorney-General*.—That is the case for the prosecution.

## THE DEFENCE.

Mr. *Serjeant Shee*.—May it please your Lordships: Gentlemen of the Jury:—I should pity the man who could rise to perform the task which it is now my duty to attempt, unoppressed by an overwhelming sense of diffidence and of apprehension. Once only before has it fallen to my lot to defend a fellow-creature upon trial for his life; it is a position, even if the effort should last but for a day, of a nature to disturb the coolest temperament and try the strongest nerves; how much more so when, during six long days, in the eye of my unhappy client, I have been standing between him and the scaffold; conscious that the least error of judgment on my part might consign him to a murderer's doom, and that through the whole time I have had to breast a storm of public prejudice such as has never before imperilled the calm administration of justice! Gentlemen, it is useless for me to conceal what you know perfectly well, what your utmost endeavours cannot wholly have effaced from your recollection, that for six long months, under the sanction and upon the authority of science, an opinion has universally prevailed that the voice of the blood of John Parsons Cook was crying up unto us from the ground, and that that cry was met by the whole population under an impression and conviction of the prisoner's guilt in a delirium of horror and indignation by another cry of "blood for blood!" You cannot have failed to have entered upon the discharge of the duties, which you have, as I have observed, most conscientiously endeavoured to perform, without having been to a great extent influenced by that cry; you could not know that it would be your duty to sit in that box to pass between the Crown and the prisoner; you may with perfect propriety, understanding that the facts had been ascertained before a coroner's jury, and reading such evidence as was there taken, have formed an opinion upon the question of the guilt or innocence of the prisoner; but you cannot but know that whatever that opinion may have been it is now your duty to discard it, at least until you have heard the evidence on both sides.

Gentlemen, the very circumstances under which we meet in this case are of a character to excite mingled feelings of encouragement and alarm. Those whose duty it is to watch over the safety of the Queen's subjects felt so much apprehension lest the course of justice should be disturbed by the popular prejudice which had been excited against the prisoner, so much alarmed that an unjust verdict might in the midst of that popular prejudice pass against him, that a resolution was taken, not only by the Queen's Government and the legislature, upon the motion of the noble and learned Judge, who presides here, in the House of Lords, that an Act of Parliament should be passed to prevent the possibility of the ordinary forms of law being, in the case of William Palmer, made the instrument of popular vengeance. The Crown, under the advice of its responsible ministers, resolved also that this prosecution should not be left in private hands, but that its own law-officer, my learned friend the Attorney-General, should take upon himself the responsibility of conducting it properly, at once sternly in his duty to the public and fairly to the prisoner at the bar; and my learned friend, when that duty was intrusted to him, did what I must say will, in my opinion, for ever redound to his honour: he insisted that in a case in which so much prejudice had been excited all the evidence which it was intended on the part of the Crown to press against the prisoner should, as soon as he received it, be communicated to the prisoner's counsel; everything I must say, and tell my unhappy client, everything which the constituted authorities of this land, everything which the legislature and the law-officers of the Crown could do to secure a fair and impartial trial in this case, has been done, and the whole responsibility, if unhappily injustice should on either side be done, now weighs with terrible pressure upon my Lord and upon you.

Gentlemen, one great misfortune has befallen the accused; a most able man who had been selected by him as his counsel many weeks ago has been unfortunately by illness prevented from discharging that duty to him; I have endeavoured, to the utmost of my ability, to supply his place; I cannot deny that I am awed—that I am moved—by the task I have undertaken; but the circumstances to which I have already adverted, the national effort, so to speak, through the government of the country, to insure a fair trial is a great cause of encouragement, and I am not dismayed. I have this further cause for not being altogether overcome by the duty which I have of defending the prisoner and of discussing the mass of evidence which has been laid before you, that though of course, like everybody else, I knew generally and loosely, very loosely indeed, the history of these transactions at Rugeley, I had formed, when the papers came into my hands, no opinion upon them, no opinion upon the guilt or the innocence of the prisoner at the bar, and my mind was perfectly free to form what I trust will be declared by you a right judgment in this case. I commence his defence, I say it in all sincerity,



with an entire conviction of his innocence. I believe that there never was a truer word pronounced than the words which he pronounced when he said "Not guilty" to this charge. If I fail in establishing that to your satisfaction I shall be under a great misgiving that my failure was more attributable to my own inability to do justice to this case than to any weakness in the case itself; and I will give you this proof of the sincerity with which I declare upon this evidence my conviction of his innocence, that I will meet the case of the prosecution foot to foot at every stage. I will grapple with every difficulty which has been suggested by my able friend the Attorney-General. You shall see that I avoid no point because I fail to approach it, and if you find that I do thus deal fairly with you from the beginning, and it is my duty to do so, I hope I may be sure, indeed I know I may be sure, of a willing and considerate attention to an address which must, I fear, be long, but in which there shall be no observations, no tone, and no topic of discussion, which do not properly belong to the case.

Gentlemen, the case which the Crown undertakes to establish against the prisoner at the bar, and to support by entirely circumstantial evidence is, or may be, shortly stated thus: they say that the prisoner having in the second week in November made up his mind that it was his interest to get rid of John Parsons Cook, deliberately prepared his body for deadly poison by the slower poison of antimony, and afterwards dispatched him by the deadly poison of strychnia. No jury will convict a man of the crime thus imputed to the prisoner, unless in the first place it be made clear that he had some motive for its commission, some strong reason for desiring the death of Cook; unless, in the second place, the symptoms of the deceased before death, and the appearance presented by his body after death, were consistent with the theory of death by strychnia poison, and inconsistent with the theory of death from other and natural causes; unless, thirdly, the circumstantial evidence against him is such as to be inexplicable upon the supposition of his innocence. Now, it is under these three heads that I intend to discuss the evidence that you have heard; and it must be plain to you, that if I adhere to that order and method of treating the vast amount of proof which has been laid before you, I must exhaust the whole argument, and leave myself no chance without immediate detection of evading any difficulty in the defence.

Before, however, I proceed to grapple in these close quarters with the case of the Crown, as made by the Attorney-General, allow me, that you may at once see the whole scope of the address with which I have to trouble you, to claim its proper place in the discussion for a fact which, though by no means concealed from you by the Attorney-General, yet appeared to me in that address by which he at once seized upon your judgment, to have been thrown too much into the shade, the fact that strychnia was not found in the body of John Parsons Cook. If he died from the poison of strychnia, he died within two hours of the administration to him of a very strong dose of it—he died within a quarter of an hour or 20 minutes of the effects of that dose being visible in the convulsions of his body; the post-mortem examination took place within six days of his death—there is not the least reason to suppose that between the time of the ingestion of the poison, if poison was taken, and the paroxysm in which he died, there was any dilution of it in the stomach, or any ejection of it by vomiting. Never, therefore, were circumstances more favourable; unless the science of chemical analysis is altogether a failure for detection of the poison of strychnia, never was there a case in which it ought to have been so easy to produce it. Now, the fact is, and it is beyond all question, that it was not found. Whatever we may think of Dr. Alfred Taylor, of his judgment and of his discretion, we have no reason to doubt that he is a skilful analytical chemist—we have not the least reason to suppose, we know the contrary, that he and Dr. Rees, who assisted him, did not do all that the science of chemical analysis could enable man to do to detect the poison of strychnia. They had distinct information from the executor and near relative of the deceased, either personally or through his solicitor, that he, for some cause or other, had reason to suspect the poison of strychnia; they undertook the examination of the stomach, which, I think, upon the whole evidence, without adverting to that part of it now in detail, you will be satisfied was not in an unfavourable condition for a sufficiently accurate analysis; with the expectation that if strychnia had been taken it would be found, and without any doubt as to the efficiency of their tests to detect it; and yet in their letter of the 4th of December they say—"We do not find strychnia, prussic acid, or any trace of it; from the contents of the stomach having been drained away, not turned out of the jar, it is impossible to say whether any strychnia had or had not been given just before death, but it is quite possible for tartar emetic to destroy life, if given in repeated doses; and, as far as we can at present form an opinion, in the absence of any natural cause of death, the deceased may have died from the effects of antimony in this or some other form." Having afterwards attended the inquest, and

heard the evidence of Elizabeth Mills and Mr. Jones of Lutterworth, and the evidence of a person of the name of Roberts, who spoke to the purchase of strychnia poison by Palmer, on the morning of the Tuesday, Dr. Taylor came to the conclusion that the pills which were administered to Cook on the Monday and Tuesday night contained strychnia, and that Mr. Cook was poisoned by it; and he came to that conclusion, though he had expressed an opinion in writing that he might—and these are his very words—have been poisoned by antimony, of which some trace was found by him in the body, while no trace was found of strychnia.

Gentlemen, I am not about to discuss that part of the case in detail, but I call your attention to it for the purpose of claiming for it its proper place in this discussion, and that you may know at the commencement of my address what the whole course of my argument will be, and not be under the impression that, because I do not under the three heads to which I have directed your attention advert particularly to that head, I intend to pass it over. I tell you exactly what the case for the defence will be, as to the point that strychnia was not found in Mr. Cook's body. Let me state it as fairly as I can: the gentlemen who have come to the conclusion that strychnia may have been there, though they did not find it, have arrived at that conclusion by experiments of a very partial kind indeed; they contend that the poison of strychnia is of that nature, that when once it has done its fatal work, and become absorbed into the system, it ceases to be the thing which it was when it was taken into the system; it becomes decomposed, its elements separated from each other, and therefore no longer capable of responding to the tests which, according to them, would certainly detect the poison of undecomposed strychnia; that is their case. They account for the fact that it was not found, and for their still retaining the belief that it destroyed Mr. Cook, by that hypothesis. Now it is only an hypothesis; there is no foundation for it in experiment; it is not supported by the evidence of any eminent toxicologist but themselves: it is due to them to say, and to Dr. Taylor in particular to say, because it will be quite out of my power to speak of Dr. Christison through any part of this discussion except with the respect and consideration which is due to a man of eminent acquirements and of the highest character; it is due to Dr. Taylor to say that he does propound that theory in his book, but he propounds it as a theory of his own; he does not vouch, as I remember, any eminent toxicologist in support of it; and when we recollect that his knowledge on the matter consists—good humane man!—in having poisoned five rabbits 25 years ago, and five since this question of the guilt or innocence of Palmer arose, his opinion, I think, unsupported by the opinions of others, cannot have much weight with you; however, what I have to say now upon that point is, that I will call before you many gentlemen of the highest eminence in their profession, analytical chemists, to state to you their utter renunciation of that theory. I will call before you Mr. Nunneley, a Fellow of the Royal College of Surgeons, and Professor of Surgery at the Leeds School of Medicine, who attended that case of strychnia poison that took place at Leeds, and to which we have agreed that no reference shall be made by name. I will call before you Dr. Williams, Professor of *Materia Medica* at the Royal College of Surgeons in Ireland, and surgeon for 18 years to the City of Dublin Hospital, who will tell you that he also entirely rejects that theory, and believes that it has no foundation in experiment or authority. I will call before you Dr. Letheby, one of the ablest and most distinguished among the men of science in this great city, Professor of Chemistry and Toxicology in the Medical College of the London Hospital, and Medical Officer of Health of the City of London, who also rejects that theory as a heresy unworthy of the belief of scientific men. I will call before you Dr. Nicholas Parker, of the College of Physicians, a physician of the London Hospital, and Professor of Medicine to that institution, who concurs with Dr. Letheby in his opinion; Dr. Robinson, also, of the Royal College of Physicians; Mr. Rogers, Professor of Chemistry to St. George's School; and lastly I will call before you probably the most eminent chemical analyst in this country, Mr. William Herapath, of Bristol, who totally rejects the theory as utterly unworthy of credence: all of these gentlemen contending, and ready to depose to it on their oaths, that not only if half a grain, or the fiftieth part of a grain, but I believe they will go on to say, that if 5, or 10, or 20 times less than that quantity had entered into the human frame at all, it could be and must be detected by tests which are unerring; they will tell you this, not as the result of a day's cruelty for ever regretted on five rabbits, but upon a large and tried experience upon the inferior animals, made and created, as you know they were, for the benefit of mankind; upon a very extensive experience in many cases, as to many of them, of the effects of strychnia on the human system; and not to detain you on this part of the case, to which I only now advert, not intending to press it on you later at any length, that you may see what the nature of the defence in point of medical testimony will be, I will



satisfy you by evidence which I think must control your judgment, that the only safe conclusion at which you can arrive, is, that strychnia not having been found in Cook's body, under the circumstances of this case never could have been there. You will find that they all agree in this opinion, that no degree of putrefaction or fermentation in the human system could in their judgment so decompose the poison of strychnia, as that it should no longer possess those qualities which in its undecomposed state cause it to respond to the tests which are used for its detection.

Having said so much I will now apply myself to what, in my judgment, is an equally important, if not more important, question in this case, one which I approach with no diffidence whatever except the distrust which I have, under the circumstances in which I speak, of myself, and which, if it were possible for me to write what I think upon it and then to read it to you, I do not entertain the smallest doubt that you must be convinced of the innocence of this man—the question whether, in the second week of November, 1855, he had a motive for the commission of this murder, some strong reason for desiring that Cook should die: I never will believe that, unless it be made clear to you that it was the interest of William Palmer, or that he thought it was his interest, to destroy Cook,—I never will believe, till I hear your verdict pronounced, that a jury can come to the conclusion of his guilt. And it seems to me, upon the evidence which has been laid before you, abundantly clear that it not only was not the interest of William Palmer that Cook should die, but that his death was the very worst calamity that could befall him, and that he could not possibly be ignorant that it must be immediately followed by his own ruin. That it was followed by his immediate ruin we know. We know that at the time when he is said to have commenced to plot the death of Cook he was in a condition of the greatest embarrassment. It was an embarrassment which, in its extreme intensity, had come but recently upon him; an embarrassment too in some degree mitigated by the circumstance that the person upon whom these bills, which have been stated to you to be forgeries, purported to be drawn was his own mother, a lady of very large fortune, and with whom he was on the most affectionate terms. Still he was in a condition unquestionably of great embarrassment. My learned friend has raised the hypothesis of his having a wish to destroy Cook upon the ground of this embarrassment. My learned friend stated to you that the case of the Crown against the prisoner was this: that “being in desperate circumstances, with ruin, disgrace, and punishment staring him in the face, he took advantage of his intimacy with Cook, when Cook had been the winner of a considerable sum of money, to destroy him and get possession of his money.” That is the theory of the Crown. Now let us test it as a matter of business, relieving if possible our minds from the anxiety we must all feel when the fate of a fellow-creature is at stake, as if it was a case in a private room for the decision of an arbitrator. It is my misfortune not to be able at times to speak otherwise than earnestly, but let us look at it as a matter of business and scrutinise it in every corner. Was it his interest that in the second week in November, 1855, Mr. Cook should be killed by a railway accident? If it was not, we have no motive to ascribe to it. If it was not, and more, if the contrary was clearly his interest, no sensible man would believe that he deliberately plotted and committed the murder. A long correspondence has been put in, the material parts of which letters will, in a subsequent stage of the case, be called to your attention. There is evidently a great deal in it that does not touch the point in the case, but the learned Judge, before the end of the case, will direct your mind to a correct appreciation of the contents. I watched them with an anxiety which no words can express. Having had the advantage, for which I shall ever honour my learned friend, of reading the correspondence beforehand, I found the history, as told by the correspondence, filled up by the *vivâ voce* testimony which was afterwards given. I was aware, at least I firmly believed, that in that correspondence the innocence of the prisoner lay concealed; and I think that I shall be able to show you that it is demonstrative of this proposition that he not only had no motive to kill Cook, but that the death of Cook was the very worst kind of thing that could happen for him. I shall not apologise to you, you would think it very inopportune to do so, for going into the details of this matter. Allow me, confining myself, as it is my duty, to the evidence in the case, to call your attention to the position in which these two men stood to each other. They had been intimate as racing friends for two or three years; they had had a great many transactions together; they were jointly interested in at least one race-horse which was training at the stables of Saunders at Hedgesford; they generally stayed together at the same hotel; they were seen together on almost all the race-courses in the kingdom, and were known to be connected in betting transactions, and adventurers upon the same horses at the same races. It is in evidence that just before Cook's death he said, in the presence of his friend Jones, addressing Palmer, “Palmer, we have lost a great deal of money upon races this year.” And

though it is impossible, Cook being dead, and the mouth of the prisoner sealed, and transactions of this character not being recorded in regular books as the transactions in a merchant's counting-house are, to give you in the fullness of evidence the actual state of their relations to each other, yet it is abundantly clear, and I will make it more clear to you presently, that they were very closely connected. When, in the month of May, 1855, money was wanted either by Mr. Cook or Palmer, Palmer applied to Pratt for it. He wanted, I think, 200*l.* to make up a sum for the payment of a debt, he having, I think, a balance of 190*l.* in the hands of Pratt. Mr. Pratt would not lend it him without security, and he proposed the security of his friend John Parsons Cook, a gentleman of respectability and a man of substance.

Now, what the exact state of the affairs of John Parsons Cook at that time was, I do not know. Such a fortune as he had might be thrown down in a week by the course of life that he was leading. A young man who is reckless as to the mode in which he employs his fortune, and who has only 13,000*l.*, may if he likes for a year or two pass before the world as a man of much more considerable means; it is not everybody who will go to Doctors' Commons to ascertain what the exact amount of property he derived from his grandfather was. He was Mr. Cook of Lutterworth, a gentleman who had a stud of race-horses, who lived expensively, and was known to have inherited a fortune; he was a person whose friendship was at that time probably, and probably continued to be, a matter of considerable convenience to Palmer. You recollect, gentlemen, I am not defending Palmer against the crime of forgery. I am not defending him against the reckless improvidence of obtaining money at the enormous discounts at which he obtained it. The question is, whether he is guilty of murder. Palmer and Cook were then so circumstanced as early as the month of May, 1855. They had had another transaction previously to the date of November, 1855, which I will not advert to now, because it was taken second in the case of my learned friend, the Attorney-General; but let us see what their position was in the second week of November, 1855. Respecting that, we have the evidence of Pratt, and from the correspondence which he explained to us, there can be no doubt upon our minds. Amongst a mass of bills, amounting altogether to 11,500*l.*, which had been repeatedly renewed, there were two bills for 2000*l.* each, which became due in the last week in October; and there was another bill or two other bills amounting to 1500*l.* which had become due some time before, but which were held over, as they say, from month to month; Palmer, who was liable upon them, paying for the advantage of having them held over at the end of every month, at what they call interest of about 60 per cent. These three bills, or sums of 2000*l.*, 2000*l.*, and 1500*l.* were the embarrassments which were pressing upon him in the second week of November; and be it observed, though pressing upon him, they were pressed upon him by a man, who no doubt would have been glad to have got the principal, but who would also upon anything approaching to security have been very well pleased with the interest. How can capital, if it be secure, be better employed than at 40 or 60 per cent. per annum? As long as there was a vestige of good security, Mr. Pratt or Mr. Pratt's clients desired nothing better than that Palmer should continue to hold the money.

Now, in that state of things, on the 27th of October, Palmer in answer to an urgent demand upon him for money on the ground of the security becoming doubtful, came up to London, and Pratt insisted that in respect of one of those bills of 2000*l.* which had just become due, as Palmer could not pay it, he should pay instalments upon it in addition to the enormous interest which he charged; and it was agreed at that interview of the 22nd of October, that 250*l.* should be paid down, 250*l.* paid on the 31st of October, and that as soon after as possible, a further sum of 300*l.* should be paid, making in the whole a payment on account of that bill of 800*l.* to quiet Pratt, or as Pratt said, to quiet his clients, and induce them to let the bill stand over. On the 9th of November that 300*l.* was paid, and when paid, a letter was written, which I beg your particular attention to, and you will see how closely and strongly it bears on the point to which I am now entreating your most anxious consideration; a letter of the 13th of November, that is the day when Polestar won the race, written by Pratt to Palmer, as follows:—“Dear Sir, curiously enough, I find that the great point of the office is, that your brother had *delirium tremens* more than once, say three or four times before his life was accepted, and that actually their medical man, Dr. Hastings, reported against the life, as well as Dr. Wardell. I think I shall be able to get a copy of the proposal through a friend.” Palmer did not know what the proposal was, and therefore probably it had been made by his brother. “The opinions of several secretaries of insurance offices are, that the Company have not a leg to stand upon, and from the mere fact of the enormous premium, it is plain that the policy was effected on an extra rate of premium on account of the true statement of the condition of health of the assured. The enormous pre-



mium will go a great way to give us a verdict."—I do not like to read only one passage from a letter, less by chance I should mislead, therefore I have read that portion of it; but now attend to this:—"I count most positively on seeing you on Saturday; do for both our sakes try to make up the amount to a thousand pounds, for without it I shall be unable to renew the 1500*l.* due on the 9th." What does that mean? Pratt told us yesterday the three sums of 300*l.*, 250*l.*, and 250*l.*, and some other small amount, making up the sum of 800*l.*, were instalments payable on the bill over-due, and upon which Pratt had threatened to issue writs against Palmer's mother, and Palmer had gone almost down on his knees to beg him not to do so; he said, "For God's sake, do not think of writs." Now, that 800*l.* being paid, Pratt said I shall only credit you for 600*l.*, I must take 200*l.* for the interest. In his letter of the 13th of November he says, "do for both our sakes try and make up the amount to a thousand"—that is, make the 800*l.* up to a thousand pounds—"for without it I shall be unable to renew the 1500*l.*" I must have a larger instalment, or else I cannot keep this bill afloat for you. He said so, whether it was true or not does not matter in this case, that was the representation which he made, and the duress which he put on Palmer; and in truth it meant this, make it up to a thousand, give me 200*l.* more, or the writ shall be served on your mother. He does not say so, but he said something to the same effect before, and it was a representation that he could not satisfy the people whom he said he represented without that additional sum. Observe, that letter is written on the 13th of November, and Palmer gets it at Rugeley when he arrives on that evening from the race at which Polestar won. Palmer, who was at the races the first day, went away in the evening, and went to Rugeley; when he gets to Rugeley, early in the morning of the 14th, the next day probably, he gets this letter of Pratt's pressing on him the necessity of paying a further sum of 200*l.* What does he do? See if it is possible to doubt that at that time Cook's life was of the utmost value to him. He instantly returns to Shrewsbury, he sees Cook. They say he dosed him. We will see how probable that is presently. He gets there on the Wednesday, he sees Cook. Cook goes to bed in a state which I will not at present describe; he gets up much more sensible than he went to bed; goes upon the race-course, and comes home with Palmer to Rugeley on the next day, Thursday; he goes to bed when he gets to Rugeley; he gets up still ill and uncomfortable, but able to go out, and he dines with Palmer that day, Friday.

Now I beg your attention to this letter. On that day, the 16th, Palmer writes thus to Pratt:—"I am obliged to come to Tattersall's on Monday to the settling, so that I shall not call and see you before Monday, but a friend of mine will call and leave you 200*l.* to-morrow, and I will give you the remainder on Monday." That is written on the 16th, the day they dine together at Palmer's house. Now, you recollect that the person who ordinarily settled Cook's accounts in racing transactions was a person of the name of Fisher, the wine-merchant, in Shoe Lane. He was called as the first witness on this trial. That very day Cook writes to Fisher as follows:—"It is of very great importance to both Palmer and myself that a sum of 500*l.* should be paid to a Mr. Pratt, of 5, Queen Street, May Fair, to-morrow without fail; 300*l.* has been sent up to-night, and if you would be kind enough to pay the other 200*l.* to-morrow on the receipt of this, you will greatly oblige me, and I will give it to you on Monday at Tattersall's." Then there is a postscript which I will read, but make no comment upon it now: "I am much better." What is the fair inference from those two letters? I submit to you that the inference is that at that date Cook was making himself very useful to Palmer. Pratt was pressing him for an additional sum of 200*l.* when he had need of all his money, and Palmer having communicated his difficulty to Mr. Cook, Cook at once comes forward and writes to his agent to pay that 200*l.* And the letter shows more: you may have forgotten that letter, but it was read in the first hour after the speech of my learned friend the Attorney-General; you may have forgotten it, but I read it to you word for word,—the passage "300*l.* has been sent up to-night," shows that Cook knew all about it, and probably had an interest in Palmer's transactions with Mr. Pratt; it was inserted merely for the purpose of putting a good face upon it to Mr. Pratt, as a man does who, not having a farthing of the sum that he wants to pay, will pretend that he has to pay more, in order to represent that he has got a portion of what he wants to pay, and he says: "Will you lend me a little more; I am not entirely dependent upon you for the sum that I have to pay;" or it means that on that day 300*l.*, which had come to their hands in some way or other, was by Cook made applicable to the convenience of Palmer,—one of those things it means: whichever way you take it, it proves to demonstration that Palmer and Cook were playing into each other's hands in respect of that heavy incumbrance upon Palmer; and that Palmer could rely upon Cook as a fast friend in any such little difficulty as that; and though his difficulties sound large when we talk of 11,500*l.*, the difficulty of the day was nothing like that, because in the spendthrift, reckless way in which they were living, putting on bills from month to month, and paying what sounds an enormous interest per

annum, the actual outlay on the day was not always so considerable. I submit to you that letter shows that on the 16th of November when they say he was poisoning Cook, Cook was behaving to him in the most friendly way, was acquainted with his circumstances, willing to assist in the relief of his embarrassments, and actually to devote a portion of his earnings to the purposes of Palmer. It is perfectly plain, but I will make it plainer if you will attend to me for a moment longer. You will remember that part of the case of my friend is this:—he says that he intended to defraud Cook; that Palmer having left Cook ill in bed at Rugeley, ran up to town on the Monday, intending to despatch him on the Monday night or the Tuesday; that he ran up to town, went, not to Fisher, who was the agent of Cook, but to Herring, who was his own agent, and told Herring that he was authorized by Cook to settle his Shrewsbury transactions at Tattersall's, thereby getting command over Cook's winnings; that he applied them to his own purposes, and, having done so, determined to put Cook out of the way,—that is their ease. We had the evidence of Fisher on the first day,—Fisher is evidently a shrewd intelligent man, no friend of Palmer's,—he gave, I do not mean to say improperly, I do not wish to throw imputations, but he gave a twist to the dosing at Shrewsbury against Palmer. On the Monday, as on the Tuesday, Cook, though generally indisposed, was during great part of the day quite well, according to the evidence; on the Monday he saw his trainer Sanders, he saw his two jockeys; he got up and was shaved; he was comfortable the whole day, and the theory is that he was comfortable because Palmer was not there to dose him,—you will see how grossly absurd it is presently. He was well on the Monday, quite well on the Tuesday; now, if Palmer had gone up to London, representing that he would do Cook's business for him through Cook's own agent, Fisher, Palmer might be perfectly certain if that was done on the Monday, Fisher would write to Cook on that night to say that the thing was done and made straight: Herring you see does do it the moment the thing is settled between Palmer and Herring; Herring represents Palmer as saying, "You must write me word about some part of the transactions;" he says, "No, I shall write Mr. Cook word at Rugeley." Do not you think Fisher would have done the same? and if Cook had not known that Palmer intended not to go to Fisher but to Herring, do you not think Cook would have been surprised on the Tuesday morning at not hearing that he had seen Palmer, and that the transactions were settled? could Palmer, as a man of business, have relied upon Cook's not being alarmed at Fisher's not doing it? We had the evidence of Fisher, who says, "On the 17th of November, at Cook's request, I paid 200*l.* to Mr. Pratt; his account in the ordinary course would have been settled at Tattersall's on Monday the 19th. I advanced the 200*l.* to pay Pratt; I knew that Cook had won at Shrewsbury, and I should have been entitled to have deducted that 200*l.* from his winnings if I had settled his account at Tattersall's; I did not settle the account." That explains the whole transaction. Cook and Palmer understood each other perfectly well; it was the interest of both of them that Palmer should be relieved from the difficulty of the pressure of Pratt, and accordingly Cook said, "As to the settlement, it shall not go through Fisher; we will have the 200*l.* from Fisher; it shall not be paid to him on Monday; I will let Palmer go up and settle the whole thing through Herring." And that is what was done; and accordingly Fisher has never been paid since.

Now there is a letter to which I will call your attention, of the 19th November, 1855, from Palmer to Pratt—"Dear Sir,—You will place the 50*l.* I have just paid you, and the 450*l.* you will receive from Mr. Herring, together 500*l.*, and the 200*l.* you received on Saturday," that is the 200*l.* that Fisher paid to Pratt at the express request of Cook, "towards payment of my mother's acceptance for 2000*l.*, due 25th October, making paid to this day the sum of 1300*l.*" Can you doubt when you take all that together—the dining together on the Friday—Cook writing that letter to Fisher, saying it was of the greatest importance to him as well as to Palmer that the 200*l.* should be paid in order to pacify Pratt, can you doubt that on that day Cook was a most convenient friend to Palmer, and that he could not by possibility do without him. But it does not end there. Cook died on the Wednesday morning early, the 21st; if we want to know what effect that death had on Palmer, and what interest he had in it, Palmer's month being sealed, we must get it from Pratt. Nobody else that we know knows anything about it; Cook is gone. On the 22nd November, the day after the death,—and I am sure you will make some allowance for a day having elapsed after the death of Cook before he wrote—Palmer writes thus to Pratt:—"Ever since I saw you I have been fully engaged with Cook and not able to leave him." Now unless he murdered him, that is the truest sentence that ever was expressed. He watched the bed-side of his friend; he was with him night and day; he attended him as a brother; he called his friends around him; he did all that the most affectionate solicitude could do for a friend that was ill, unless he was plotting his death—"And I am sorry to say after all he died



this day, so that you had better write to Saunders; but mind, I must have Polestar if it can be so arranged; and should any one call upon you to know what moneys Cook ever had from you, do not answer the question." Then he says, "I sat up two full nights with Cook." That he sat up the whole of the night may not be true, but that he was ready to be called if Cook should be ill; and Elizabeth Mills says after the first serious paroxysm, when she went to bed, she left Palmer in the arm-chair, sleeping by the man whom they say he intended to murder. No! murderers do not sleep by their victims in that way. What is the answer? I read it to you in order that you may see what ruin Cook's death brought upon Palmer. The answer of Pratt is,—and you will see how much it increased the difficulties of Palmer—"I have your note, and am greatly disappointed at the non-receipt of the money as promised, and at the vague assurance as to any money. I can understand that your being detained by the illness of your friend has been the cause of your not sending up the amount." Attend to this paragraph:—"The death of Mr. Cook will now compel you to look about as to the payment of the bill for 500*l.*, due the 2nd of December. I have written Saunders, informing him of my claim, and requesting to know by return what claim he had for keep and training;" so that the very first effect of Cook's death was, in Pratt's opinion, who knew all about it, to saddle Palmer alone with the sum of 500*l.* He says, "The death of Cook will now compel you to look about as to the payment of the bill for 500*l.* on the 2nd of December." We will investigate the transaction out of which that bill arose, and you will see; I venture to say, that I can satisfy you conclusively that the transaction out of which that bill arose was a transaction for Cook's accommodation, for which Palmer had lent his name to accommodate Cook, and for which upon Cook's death Palmer became primarily and alone responsible. It will be for you to judge, if I prove that to you, whether it suited Palmer at that moment to stand before the holder of that 500*l.* bill—some client of Pratt's—as the only man liable upon it, and whether there was the same chance, supposing it had been for his own accommodation, of putting it on, as they call it, after Cook's death, as there might have been before. But let me be fair to the prosecution, and state to you now the view that the Attorney-General takes of that 500*l.* transaction. As I told you, I mean to meet his ease foot to foot, and to show, and I hope to show him, that there is nothing in it; that if he, as the law-officer of the Crown, had had the option of taking up this ease or not, he would not have taken it up; that the Crown never would have appeared upon it, but because the universal feeling of the country was such as to render it impossible that the ease should not be tried after the verdict of wilful murder obtained on Dr. Taylor's evidence; and because the Crown, having seen the absolute necessity of its being tried, felt that it would abandon the duty of protecting every one of the Queen's subjects if it did not take care that a man with so much prejudice against him, that man leading the life that Palmer led, and disgraced by forgeries to a large amount, as it is said, and a gambler by profession, should not have a fair trial. There was no other way of securing a fair trial for this man, as the Attorney-General at once saw—there was no possibility of his being saved but by giving the counsel who defended him all the information that my friend had himself. We will see what his view is. My learned friend states it upon his instruction in this way: he is bound, as I told you in the beginning, in prosecuting this ease to prosecute it strenuously; he is bound to put the facts together according to his instructions in such a way that, if they will and ought to establish guilt, it is brought home. Prosecutions must be conducted in that way, or the guilty would escape in nine cases out of ten. And therefore my friend, upon the view of the evidence—a comparatively superficial one—thinks that this is the theory upon which it appears probable that Palmer plotted the death of Mr. Cook. I will read to you from my friend's speech, with reference to the 500*l.* bill transaction; and, as I understand it, it is the greatest mistake that was ever committed, and would not stand for a moment but for the popular prejudice against Palmer. I think I can satisfy you that is so:—"Pratt still declining to advance the money"—that is the 1000*l.* which Palmer wanted him to advance—"Pratt proposed an assignment by Cook of two race-horses, one called Polestar, which won the Shrewsbury races, and another called Syrius. That assignment was afterwards executed by Mr. Cook in favour of Pratt, and Cook was entitled to the money raised on that security, which realised 375*l.* in cash and a wine warrant." They twist it in this way, that Palmer, having forged the endorsement of Cook, and being afraid of detection, put Mr. Cook out of the way. That is the view they take of that ease. I think I can satisfy you it is impossible that that can be the correct view—it cannot, by any possibility, as it seems to me—it is for you to judge. We know exactly what took place; we had it from Pratt yesterday. What took place was this:—Palmer applied for the loan of 1000*l.*; Pratt said, "I can't let you have it." Palmer said, "Will you discount a bill for

500l.?" Pratt said, "Not without security." Palmer said, "What security will you take; it is for the accommodation of Mr. Cook? I have undertaken to get the enclosed bill cashed for Mr. Cook; you had a 200l. bill of his." He reminds him that he had been paid a 200l. bill, and he says, "He is a very good and responsible man; will you do it, and I will put my name to the bill?" So that it was represented to Pratt as a transaction for the accommodation of Cook; and Pratt's answer is, "If Mr. Cook chooses to give me his security I have no objection, but he must execute a bill of sale of his two race-horses Polestar and Syrius, and he must execute a power of attorney, and his signature to it must be attested by some solicitor in the country, so that I may be quite sure that it is really a valid security; and upon those terms, if you will get all that done, and Mr. Cook will submit to all that, I will give him 375l. in money, 65l. wine warrant, charging him 10l. for expenses, and 50l. for discount,"—making up the sum of 500l.; that is what Pratt is willing to do. There is no doubt at all, you know, that Cook attached the highest value to Polestar; he was not going to execute a bill of sale with a power of attorney to enable the mortgagee or assignee to enforce it at once; he was not going to do that, and not get any money for doing it; he knew the value of Polestar and Syrius; Polestar was probably backed for the engagements on which he won the money at Shrewsbury. My friend says he never received that 375l.; it is in the last degree improbable that he never received that money; I put it to you as men of sense that he must have received it; do you think that he remained after executing the bill of sale on the 6th of September the whole time from that day to his death without writing to Pratt—"Why, you have the bill of sale of my two horses, and I have not got any money upon them"? Is it credible, can you believe Cook, who was as much in want of money as Palmer, do you think he would throw away his property in that way, and let Pratt obtain from him a bill of sale and get no money upon it? It is incredible; the only pretence for setting it up is this: it is a perfectly fatal one that will not stand before sensible men for a minute:—Along with the cheque for 375l. he sent 315l. to Palmer for his own purposes; but my friend says Palmer having got this cheque for 375l. payable to order, fraudulently appropriated it to himself; forged the name of Cook upon the back of it, and kept Cook in ignorance of the transaction. Is that credible! that during three whole months Cook, who knew that he had executed a bill of sale of his two race-horses, and I will show you was in want of money, should have allowed it to remain so? Is it not much more probable that the signature of Cook was put on there with his full knowledge? It is not suggested that there was any attempt at imitating his handwriting. Is it not more probable that Cook, who wanted the ready money, and who would probably be put to inconvenience if he did not get the ready money, but only the means of getting it two days later—that Palmer should let him have the 315l. cash which was sent up, and Palmer take the cheque? I will show you there is reason for believing that to be the case; I will put it to you in the first place whether it is probable he would be silent for three months? Palmer writes, "I will thank you to let me have the 315l. by return of post if possible; if not, send it to me by Monday night's post to the post-office, Doneaster. I now return you Mr. Cook's paper, and he wants the money on Saturday if he can have it; I have not promised it for Saturday, so please to enclose it with mine in cash in a registered letter, and he must pay for its being registered." So that you see Palmer wanted it to be sent like his own, and Cook wanted it to be sent in cash. "Do not let it be later than Monday night's post." Pratt writes acknowledging the receipt of the document, saying he will send him his money to Doneaster, and endeavour to let Cook have his money at the same time. On the 10th of September Palmer writes to Pratt that he must send him for Mr. Cook 385l. instead of 375l. and the wine warrant, so that he can hand it to him with the 385l. Accordingly here is an intimation that Cook, who wanted the money on the very day, was inconvenienced by only getting a cheque on London which he could not immediately change, and therefore Palmer gave him the money, and took the cheque. It is remarkable, when we look at the banking account of Palmer at Rugeley, the 375l. is paid in by somebody to Palmer's account, but the 315l. is not paid into Palmer's account at all; that is the only sum paid in on that day, so that I put it to you upon these facts, Pratt saying in a letter which accompanies the money, "I am obliged to send a cheque for Mr. Cook, for I have not received the money which I shall do no doubt to-morrow;" so that not being able to send cash to the full amount he is obliged to do that which did not suit Cook; he sent him a cheque which he could not cash on the day he got it; he is obliged to send it to London unless he could find some friend down there, and that delays him for a whole day. I submit to you as the true version of the transaction that the bill was accepted for Cook's accommodation; Cook gave as a security for it the two horses



Polestar and Syrius; Cook never complained to Pratt during the rest of his life that he had not received the money upon it. It appears in the correspondence that Cook wanted the ready money, and that he wanted it on Saturday, and it would be probably inconvenient if he had got it a bit later than Monday; though Palmer would not promise to get it sooner than Tuesday. What says Palmer in his letter, which is not written for the purpose of this case, but written at the date of this transaction? that he, Palmer, would let Cook have the cash that was sent, and he himself take the cheque with Cook's authority, and put Cook's name on the back of it; and how else can you account for the silence of Cook, for the fact that the 375*l.* is paid into the account of Palmer at Rugeley, and no trace of the other large sum of 315*l.*? That is well worthy your consideration. You cannot account by any reasonable mode for the fact that the security given for that 500*l.* was Cook's horses, and Cook remaining quiet about it for three months after he had executed a regular bill of sale, except the supposition that it was for Cook's accommodation, and Cook got the best part of the money; and if so, Palmer's name being on the bill, what is the effect of Cook's death? Gentlemen, what Pratt, who knew all about it, says is: "the death of Cook makes you liable for that sum of 500*l.* due on the 2nd December." I submit to you on the second ground of motive, which my learned friend suggested, the case has altogether failed, and that it is perfectly clear that at the date of Cook's death Pratt was of opinion that the death of Cook threw a further liability on Palmer of 500*l.*; he tells him so in that letter. How could it be his interest to kill him? We already find the difficulties which Cook's death brings upon Palmer; the bill of 500*l.*, the danger of the loss of Polestar which he wanted very much to have, and which Pratt would of course, unless Palmer paid the 500*l.*, send to the hammer, and realise so shortly; we find that inquiries were at once apprehended on the part of Cook's friends as to the money Pratt had paid to Palmer out of those two bill transactions, and the value which Mr. Cook had received for any endorsement which he had given.

Just see another transaction of that date; it is not quite so clear, as it strikes me, but yet it makes it to my mind exceedingly improbable that Palmer should have desired the death of Cook. Exceedingly improbable! Mr. Wetherby told us to-day that though frequently stakes won at a race were sent up by the clerk of the course to the winner's bankers within a week, it was not always so, and it would not be a matter of complaint if it was not. On the 20th of November, the day before Cook dies, and on which he was perfectly comfortable and happy, enjoying the society of his friend Mr. Jones, with whom he was on terms of the greatest intimacy, and to whom he could confide any troubles that he had, and who appears to be a gentleman in every way respectable and intelligent—on that day Cook was well, and Mr. Jones was with him, and there is no doubt that on that day, according to the evidence of Mr. Wetherby, he did sign and give this cheque for 350*l.* If Palmer killed him that night, and by any chance the 350*l.* should not have been sent up by Mr. Frail, so as to be there on the next morning, he, Mr. Wetherby, would not pay that cheque, and would never pay it after notice of Cook's death, though the money should come up: he never did pay it. The end of that transaction was this, that Mr. Frail did not send it up, but made a claim upon Cook in respect of it. Cook's executors disputed that, and Cook's executors finally recovered the money, but they did not send it up to Mr. Wetherby. I do not put it as strong as the other case, because Palmer might think that the money would be there; but he also might think that it would not be there. It is not at all likely that, having got the cheque of 350*l.* from Cook, he would run the risk of losing that money by destroying him in the night, Cook's friends being there, and sure to institute an immediate inquiry into his affairs. Is that probable? I submit to you it is not. It is not likely that Palmer could have got a cheque for 350*l.*, or Cook should have given it to him, which should not be payable until the next day, when there might be no funds to meet it: and with that uncertainty is it likely that Palmer should destroy Cook? That therefore is in the last degree improbable. It does not end there: what they have said on the other side is, you know, that he got this cheque fraudulently—he got possession of this money, and then, lest Cook should detect it, he destroyed him. It is not at all probable that that would answer his purpose. The moment the breath was out of Cook's body his friends would surround the corpse. He might be perfectly certain that Mr. Jones would go to Mr. Stevens, that Stevens and Bradford, his brother-in-law, would be down, and that a post-mortem examination would take place, and instead of settling with Pratt as to this 500*l.* bill and the 350*l.* cheque, he would have to settle with hard men of business, men who cared nothing for him, looked upon him as a leg, and would care neither for his feelings, his interest, nor anything, but would let him go to ruin which way he liked, not stirring a finger to save him. Do you think that was probable? I submit to you not. It

does not end there: we know from Herring that at that very time Herring held one bill for 500*l.* on which Cook's name was.

The *Attorney-General*.—I do not think there is any proof of that.

Mr. *Serjeant Shee*.—Whether it be so or not as to the 500*l.*, he had three 200*l.* bills, one of which I think was drawn by Cook and accepted by Palmer, and the other two drawn by Palmer and accepted by Cook, or the other way.

The *Attorney-General*.—You are quite right as to the 500*l.*

Mr. *Serjeant Shee*.—And another bill of 500*l.*, which my friend stated and gave proof was not his mother's signature. So that there was a bill for 500*l.* not in her handwriting to which Cook was a party, for all of which Cook either in whole or in part, unless he rushed upon his own ruin, must provide; in respect of which, for the accommodation of Palmer or not, Palmer could go to Cook and say, "Now, Cook, it is true enough all these bills are for my accommodation, but what is the use of your making a fuss about that? if I cannot pay, you must, or your stud will be sold up; had you not better give your name to some more bills and make it easy?" If he put Cook to death that was gone. Again, in addition to the 500*l.* bill, for which the bill of sale on Syrius and Polestar was given, the bill for 500*l.* held by Herring was a forgery, according to their case, which there would be no excuse for not meeting; a 500*l.* bill in the hands of a man who wants the money is not so easily put on; that 500*l.* bill would very soon find its way to his mother. It would not have suited Palmer that his mother should know—his mother was a woman of large fortune, a respectable person I am told—she disliked his gambling propensities though she liked her son; neither did the excellent and most honourable man his brother, before me, who stands by him now, but who was estranged from him simply because he disapproved of his gambling; neither would he have given to him any countenance. If Palmer was pressed to pay that 500*l.* and Cook was dead, there was nothing to save him from the exposure. Nothing! If you doubt what I say is the truth, look through the whole of the case—find me in any portion of this most voluminous evidence the slightest trace that there was a man in the world who would lend his name to Palmer to enable him to get money. Is not the fact that he forged, if he did forge, the name of his mother, conclusive that he had no other resource? Is there the least trace of evidence that he had any other resource than the goodnature, the easiness, perhaps the folly of Cook, who could have renewed these bills for him—the three 200*l.* bills and the 500*l.*—and put them on as they say? and was it not quite certain that if Cook, the acceptor of them, dropped, the claim would come upon Cook's executors, and then the executors would ascertain all about it and sell him up? When you come to think of it, is it credible that the man under these circumstances should desire to bring not merely the creditors and executors of Cook—who might be supposed, though Mr. Stevens is not one of that class, to have some pity for Cook's friend—but men of business, down upon him, who have no right to have any pity? A man dies, his affairs are put into the hands of solicitors; they have a plain duty to perform, they cannot be compassionate, they must be just; they must see the rights of their clients the executors established in due course of law, and compromise and arrangement with them is wholly out of the question. Can you find in any part of this case a single living person who was willing to have done for Palmer what Cook had been doing for him for two or three years? Does it appear that there was one? Does it appear that Cook was a close-fisted fellow, and did not care to do Palmer a turn? When Palmer needed the 200*l.*, which the harpy wanted from him, Cook at once wrote and said, it is a matter of great importance to him as well as Palmer that this 200*l.* should be paid; and he even risked the displeasure of Fisher in doing it. Then again Cook was in his senses perfectly on the Tuesday. He cannot have been very rich at that time. He gave him the cheque for 350*l.* How is it possible to conceive that under those circumstances Palmer should have an interest in the death of Cook? and yet what is the theory of the Crown? That Palmer was convinced that he could settle his affairs as to Cook better with Mr. Stevens than he could with Cook himself—settle these word-of-honour transactions; these things, half of which would not bear inquiry in any way as reasonable business transactions, with a shrewd and probably a penurious man—deliberately thought that it would answer his purpose better to come in contact with his executor, Mr. Stevens, whom Mr. Jones might rush up to town and bring down with him. I submit to you with confidence, though what I say may be inconsistent with the views generally entertained by the public—the public, however, have never had an opportunity of looking at all these letters—but it seems to me as clear as anything can be, that it was the manifest interest of Palmer that Cook should live. But in addition to its being his interest that he should live, was it safe for him that he should die? Palmer was a man who, added to a shrewd knowledge of the world a knowledge of his



profession, and among other things a knowledge of chemistry. My learned friends have put in a book, which was found not concealed in any way, but which was taken by the sheriff's officer, which is manifestly upon the face of it Palmer's manual of study when he was in London preparing himself for his profession. If you look at the book you will see that there are notes upon it in all directions; and it is put in with a view of showing, and therefore we may suppose does show, that Palmer knew what the effect of strychnia would be. If it does so, as we shall presently see, what necessity was there for asking that stupid fellow Newton, who was examined in the latter part of the inquiry? Here it is, with notes in a great many places, being a Manual for Students preparing for examination at Apothecaries' Hall, or other medical examinations, by John Steggall; and I shall prove to you that at that time Palmer was attending the lectures of Dr. Steggall; and upon the page to which anybody would look first, namely the title-page, we have, "Strychnia kills by causing tetanic fixing of the respiratory muscles." That is not the only note; there are some more upon that page, and the next page is covered with them; it is evidently a book on which pencil-notes were made in the course of his studies.

Lord CAMPBELL.—The Attorney-General stated that he did not place any reliance upon that.

Mr. *Serjeant Stee*.—Exactly, my Lord; my learned friend stated distinctly that he did not press that as one of the strong points of the case. If it had been a person who had not studied medicine it would have been another thing, but my learned friend did not press it, though he said he thought it was evidence fair to be submitted to you, that in one of these pages there is in pencil a statement of the properties of strychnia. I use it for this purpose, namely, to satisfy you that Palmer knew perfectly well, and he had studied his profession sufficiently when he was a young man, to know perfectly well, that, if strychnia was administered, it would in all probability throw the victim into horrible convulsions in a very short time, and in a way so striking as to be the talk of a small neighbourhood like Rugeley for a month or two, which would be time enough to alarm everybody, and to provoke inquiries into the circumstances of the death, which must certainly end, or in all probability end, if he was guilty, in his conviction. If that was so, was he so circumstanced at that time as to make it safe for him to run the risk of such suspicions? His brother Walter Palmer had died in the month of August, and his only hope unless his mother forgave him or recognised those circumstances, his only hope of extrication from his difficulties was the getting the amount due by the Prince of Wales Insurance Company, to him as the assignee of the policy on Walter Palmer's life; that was his only chance, he had a chance that way, and it is plain that it was so good a chance, as I will show you presently, that he refused an offer of return of premium from the Company; it does not appear what the amount was,—and Pratt who was his attorney believed the chance to be so good, that he had actually got the discounts of these large sums of money upon it, and had resolved under the directions of Palmer to put it in suit. It was really the only unpledged property he had, and how was he situated respecting it? It is plain from the letters which were put in yesterday, and it is further plain from a piece of evidence to which you will, I am sure, find it worth your while to pay great attention. We had Mr. Deane called yesterday, who is the attorney to the Prince of Wales Insurance Office; and for some time—though it had ceased just at that time—but for some time previously to this, month of November, the Insurance Company, which, I believe, is not a very old Insurance Company, were annoyed at being called upon to pay so large a sum, and they determined to do all they could to resist it. They accordingly sent down Inspector Field to Stafford, and his man Simpson to make inquiries which he could not do without talking and insinuating suspicions, and raising a cloud of doubt and conjecture about Palmer, and this had been going on for some considerable time. Now, observe the evidence of Deane, and you will see if it is not so. He says, "The name of my firm is Chubb, Deane, and Chubb. I had been to Rugeley some time previously to the inquest. I know Field the detective officer; we were solicitors to the Prince of Wales Insurance Office, it was in our employment that Field went to Rugeley; he was at Rugeley only a part of one day; he was at Stafford for three or four days altogether; he did not see the prisoner Palmer; this visit had been preceded by that of another officer named Simpson: Simpson went from Stafford to Rugeley with myself and Field; he told me he had seen Palmer; I think he went into Staffordshire in the first week in October." Then my learned friend asked him what they went down for; he said that they went down to make inquiries as to the habits of life of Mr. Walter Palmer, of whose death the Prince of Wales Insurance Office had shortly before received notice; so that you see just before the death of Cook Palmer knew himself to be an object of suspicion, but he acted as if he thought it was the most unfounded and unwarrantable suspicion, putting the policy of insurance into the hands of an attorney to enforce payment of it, and the office meeting the claim by insinuations and inquiries

which were of a nature to destroy his character and to bring around his head the suspicion of another murder.

Gentlemen, that that was so I will show you by the letters which were put in yesterday. You see that the pressure by Pratt upon Palmer to meet the two 1000*l.* bills never took place until the office disputed the payment of that policy. All went as smooth as possible so long as Pratt held what he believed to be a good security, the policy upon Walter Palmer's life, who was dead; but when they began to dispute it, then you will find that Pratt writes to Palmer, and tells him the situation of things is quite changed; he could manage the bills very well while that policy was undisputed; but now it is disputed that quite alters the state of things; he says, as he had somewhat anticipated, he finds they can do nothing till the 24th, that is nothing towards compelling the office to pay, because insurance offices generally take three months to pay; and then, stating some other circumstances, he says, "this you will observe quite alters the arrangement, and I therefore must request you to make preparations for meeting the two bills due at the end of this month;" that was where the difficulty was, that was where the pinch was. Then, he says, he shall not flag in his exertions, and so on, and he refers to the circumstances connected with the dispute; Mr. Pratt says—you, Palmer, know whether they have any ground to dispute that policy upon your brother's life; you are enforcing it, and if you have no right to do it, it is at your peril; that is what it means, and then he goes on to say, we must try and make them pay: that was the position in which Pratt, who was acting for him, stood as to this Prince of Wales Insurance Office. He says, "In any event bear in mind that you must be prepared to cover your mother's acceptances for the 4000*l.* due at the end of the month;" there was the pinch, the office would not pay, the 4000*l.* was becoming due, the holder of the bills saw he was without security, and if anything occurred to increase the suspicions of the insurance office, which was very reluctant to pay, the 13,000*l.* was lost for ever, lost beyond hope. Gentlemen, that 13,000*l.* is sure to be paid unless that man is convicted of murder; and that has a great deal to do with the clamour and alarm which have been excited; so sure as that man is saved, and saved, I believe, he will be, that 13,000*l.* is paid; there is no defence, no pretence for a defence; the letters of the office make that plain; they took an enormous premium: knowing that the man was only thirty, they took a premium for a man of fifty.

Mr. Attorney-General.—That is not in evidence; do you mean to prove that?

Mr. Serjeant Shee.—I do not know whether I can show that to be the actual premium, but the letters which were put in show that the premium was enormous; and I say that as sure as he is saved that 13,000*l.* is good for him, and will pay all his creditors.

Now observe the position in which he was at the moment: all the correspondence turns upon that. My learned friend read it yesterday in perfect fairness, and he must have seen the effect of it, or he must have taken a view of it entirely different from the one which I take; but whichever view he took of it, I am sure he would put it in, seeing the manner in which this case has been conducted, and the manifest desire of the Crown, represented by my learned friend the Attorney-General in this court, that the trial shall be alone for the discovery of truth. This correspondence would have been put in at any rate, whatever its effect,—and it saves the prisoner, if there is common sense in man.

Now observe, there is another letter from Pratt containing this passage; "I have your note, acknowledging receipt by your mother of the 2000*l.* acceptance, due the 2nd of October; why not let her acknowledge it herself? you must really not fail to come up at once, if it be for the purpose of arranging for the payment of the two bills at the end of the month; remember I can make no terms for their renewal, and they must be paid. I will of course hold the policy for as much as it is worth," and so on. At this time Simpson and Field were making inquiries how a young man of thirty had died, who had had delirium tremens three times, as their own physician Dr. Hastings and Mr. Wardell had informed them. Then in a postscript, he says, he "casts no doubt upon the capability of the company to pay, but that in the nature of things, with so large an amount in question, it is not surprising that if they think they have grounds for resisting they should temporise by delay;" does not that show that at that date at least, the 6th of October, suspicions were hanging in menacing meteors about Palmer's head, which would come down with irresistible momentum and crush him upon suspicion of a sudden death by murder. Do you believe that a man who wrote what the effects of strychnia were in his manual would risk such a scene as a death-bed by strychnia, in the presence of the dearest and best friend of Cook—a man whom he could not influence, a medical man, who liked him and loved him well enough when he knew he was ill to sleep with him in the same room that he might be ready to attend to him in case he wanted assistance during the night? Is that common sense; are you going to endorse such a theory as that upon the suggestion of Dr. Alfred Taylor about the



effects that strychnia produced upon his five rabbits? Impossible, perfectly impossible! as I submit to you. But to proceed: I will prove to you, most clearly, the position in which he was. On the other side of the letter of the 10th of October Mr. Pratt writes, "Copy of solicitors' reply;" that is, the solicitors to the Prince of Wales Insurance Office. He says, "I may add, that I hear the office have been making inquiries in every direction." To be sure; Field was employed; he is not now in the police, but he is employed as a detective officer; he was at Stafford, and was at Rugeley, and was making inquiries in all directions; inquiries could be made at Stafford as well as Rugeley, and all that had taken place at Rugeley just as easily ascertained there as at Rugeley itself; whatever had taken place there would be known. He says they have been making inquiries in all directions. It is plain then that he knew that suspicions were then rife, or that they were endeavouring to create suspicions, against him, about the policy on the life of Walter Palmer. Here is the very letter which the company wrote in answer to the claim, dated 8th of October, 1855; it is from Messrs. Chubb, Deane, and Chubb, the solicitors to the office, addressed to Thomas Pratt, Esq., acknowledging the application; and shortly afterwards Messrs. Chubb send a reply to the application: there is no date to it, but it is enclosed in a letter of the 18th of October from Pratt to Palmer. After apologising for not answering the letter of the 16th instant, owing to the absence of Mr. Deane, they refer to the "local investigation having been made, and decline to pay the claim upon the ground that the facts disclosed in the course of the inquiry are such as fully to warrant them in doing so." These are letters which my learned friend thought it right to put in yesterday; they are evidence for the Crown, and what is the inference from them? Judge if you please from some of the letters to Pratt, and the one which I read first from Pratt to Palmer. Palmer determined that the policy should be paid; he took the advice of Sir Fitzroy Kelly. I see here it is said, "The case will be laid before Kelly to-morrow." This letter came just before the end of the long vacation; the time to take proceedings had only just commenced in any event, because the three months had only just expired. But so sure as anything happened by foul play to Cook, he had no more chance of getting the 13,000*l.* than 130,000*l.* from the Prince of Wales Insurance Office,—none whatever. That was the only means he had at that time of extricating himself from those incumbrances.

Gentlemen, I have detained you a long time upon this, but not I trust too long, if the view I have submitted be one worthy of your consideration. I infer from all this that Palmer had no interest whatever to put Cook to death; that it was contrary to his interest in a pecuniary point of view, and brought claims upon him, some of them small, others of a larger amount, of which he might have shared the liability with Cook, if not have thrown it entirely upon Cook; that it forced an immediate settlement of the affairs of Cook, not with Cook himself, who was an easy man probably—it is plain he was from these documents—but with hard and exacting executors and their solicitors, and that therefore in a pecuniary sense he had every motive of interest to desire that Cook should live; and further he had no chance of getting a ready payment of the 13,000*l.*, no chance of the sudden death of Cook passing without suspicion and inquiry, and therefore he could not think it safe for him that he should die.

I cannot, I think, be so much mistaken as that a considerable portion of these observations is not well worthy your attention. I humbly contend that the suggested motive altogether fails; and I conclude that head of the observations which I have to address to you, by saying that I submit respectfully to you, to the Court, and to my learned friends, that that portion of this case has failed. It could not be the interest of Palmer that Cook should die.

I now proceed to the next head; and it is impossible in dealing with this evidence, to observe altogether the order of date; I must group the facts as well as I can, in order to deal with the whole of the evidence. The question is whether the symptoms of Cook before his death, and the appearances presented by his body after death, were consistent with the theory of his having died by strychnia poison, and inconsistent with the theory of his having died from other and natural causes. It is under this head, gentlemen, that I shall discuss, I hope not at undue length, the medical evidence in this cause, and present to you such observations as occur to me upon the witnesses who have been called to support the view which the Crown takes of the effect of that medical evidence.

For this purpose, let us briefly, in a sentence or two, run over the facts: Cook died on Wednesday morning, the 21st of November, at one o'clock, in violent convulsions; he died in the presence of Mr. Jones. It was no sooner light than Jones posted up to town to see Cook's stepfather and executor, Mr. Stevens, who came down and was introduced to Palmer. Palmer took him up to the corpse and uncovered the corpse to the thighs—brave man he must have been if he was a murderer, to do that—uncovered the

corpse to the thighs before him. Stevens observed the body, and wondered he could have died, he looked so calm, so composed, so well, so little emaciated; he observed indeed some slight rigidity about the muscles. I refer to his deposition. I am not sure whether Stevens's deposition was read—but it is evidence supplied to us. He took his hand and wondered that he should have died; his suspicions were immediately aroused. He dined that day at Rugeley, and asked Palmer to dinner with him, and questioned him about the betting-book; got angry that it was not produced, dissembled with Palmer, cross-examined him, went up to town, met him afterwards at the station at Enston Square, afterwards at Rugby; afterwards at Wolverton; again at Rugeley; and at last threw off the mask, and, addressing him in a tone to which I shall call your attention presently, gave Palmer clearly to understand that he suspected him, and intended to probe the whole matter to the very core. He resolved upon a post-mortem examination, and a post-mortem examination took place. The appearances which were presented at the death of Cook were such as might have been expected by those who had been acquainted with his course of life and his general health, his pursuits—it is a pity to say anything hard of him—his vices—I will not say more than that—his vices, and the company, the drinking, idle, racing company, which he kept. His father had died at the age of thirty, his mother about the same age, a year or two after she had married Mr. Stevens; his brother was delicate, his sister was delicate; he was believed by his physicians to have something of a pulmonary complaint, and, when his body was opened, his lungs were found to be emphysematous, that is, their air-vessels were distended with air. On further inquiry, for I take both the examinations together, it was found that for a length of time he had been troubled with a very ugly sore throat—a sore throat bad enough to render it necessary that it should be constantly touched with caustic as well as his tongue; he would not have been able to swallow without it. The tonsils of his throat were at the very time he left for the Shrewsbury races, though much better than they had been, sore and inflamed—one of them was very nearly gone, the other was very much reduced in size; and he knew so much better about himself and the cause of it all probably than his medical adviser, that he very much preferred mercury to any other specific for his complaint. He had, besides that, traces about his person which have been so often referred to, the result of disease, that they need not be more particularly mentioned than they have been already, as to the extent of which and the character of which some little doubt exists; but they did not come by an ordinary and chaste mode of life, you may depend upon it; and, altogether, as far as it went, he seems to have been about as loose a young man as one is in the habit of meeting, without being utterly lost to all sense of honour and propriety, which I do not mean to suggest that he was.

His body was opened; the soreness of his tongue was manifest; I rather collect that it was not actually sore at the time of his death—yet that there were what they call follicles, and symptoms, if not recent at least not very ancient, of actual ulcers; the inside of his mouth, too, had been ulcerated, or the skin taken off by some sort of soreness attributed to decayed teeth. We all of us, probably, have decayed teeth; but that does not happen to us which happened to him: it was sore on both sides. The sores about his mouth he thought himself were syphilitic, and could not be persuaded by the very respectable gentleman, Dr. Savage, to attend readily to his advice. He thought he was not weak enough, I think he said fool enough, to take quack medicines; but weak enough to take the advice of any medical quack who had assurance enough to give advice to him, believing that the best thing for his complaint was mercury; and he was apprehensive, I believe, that what are the worst symptoms of that disease for which mercury is given, namely, spots upon the body, would make their appearance, and that possibly (I believe such things do happen) some day or other he would find on the morning of a race his face covered with large copper-coloured blotches, which would plainly show what life he had been leading. That was the sort of man he was. Many such a man has reformed and become a good and respectable member of society. I should be sorry to say anything unduly harsh upon a man who is gone; but the state of his health is a material subject for our inquiry here. It is plain that he had in his own opinion been affected by virulent syphilis, and that that had not corrected his habits, for he had become recently diseased. The medical men who attended him before concurred in this opinion; and when his body was opened, in addition to all those plainer symptoms of illness to the eye, on the second post-mortem examination, there was between the delicate membrane which covers the spinal marrow, and which is called the arachnoid, I believe—I think I am right—there was pressing upon the arachnoid and embedded to some extent in the next covering, not so delicate, though still delicate, called the dura mater, granules, as given in evidence, of such an extent as I will satisfy you by men competent to inform you would, if his body had been opened in the dead-



house of any hospital in this metropolis, have been said and determined to be the cause of his death.

Such was the condition of Cook, only partially discovered on the post-mortem examination which took place at the desire of the executor, Mr. Stevens. That examination was not conducted with that entirety, so to speak—with that thorough determination to investigate the whole matter—that afterwards was thought to be necessary. The brain was opened and was sliced in order to see if there was any disease there; but, as I understand it, the spine was not examined much below the junction between the neck and the back, about half an inch. The disease, such as it was, was not ascertained, if suspected. The stomach was taken out, and you have had a story about Palmer shoving or pushing against somebody, which I think I understood was in the opinion of those who were capable of forming a judgment—I will not say better than a jury, whose duty it is to form it—but still that it was a suggestion which really came to nothing, which, if it were necessary, I believe I should be in a condition to disprove,—it was suggested that Palmer pushed the operator, Mr. Devonshire, so that a part of the contents of the stomach escaped; but Mr. Devonshire said that no part of it did escape, and that it was sent in a jar, first to Mr. Frere, a respectable solicitor at Shrewsbury, and then on to London and submitted for examination to Dr. Taylor; that Dr. Taylor and Dr. Rees examined it; they examined it with the knowledge that there was a suspicion somewhere, arising, no doubt, from the fact that Roberts, one of the witnesses who has been called, had told, and likely enough he should tell in a little place like Rugeley, that Palmer had bought some strychnia in his shop on the Tuesday. There was a letter sent up to Mr. Stevens, and I do not find fault at all with Mr. Stevens for communicating it to Dr. Taylor, it was quite right that he should do so: with that knowledge Dr. Taylor wrote a letter, which I think I have already in the course of my address to-day read to you, in which he attributed the death to antimony. He said it *may* have been caused, possibly, by antimony. I put an emphasis upon the word “may,” because Dr. Taylor himself desires emphasis to be put upon the word “may.” He says I did not mean to say that it was caused by antimony, but it is possible it was caused by antimony. Now that is the way in which Dr. Taylor desires that letter to be taken. You will judge of it.

Dr. Taylor attends the coroner's inquest, which is held in consequence, I presume, of his letter. I do not know whether that is so or not, but in consequence of suspicions entertained, and probably in consequence of the letter which he sent in answer to Mr. Stevens's inquiries, and he hears the evidence of Jones, and of Mills, and of Roberts, and of others; but I call your attention to the evidence of those three witnesses, because I think, in fairness to Dr. Taylor, it must be presumed that they principally influenced his opinion. Now, then, I say that upon the loose evidence of chambermaids, and waitresses, and housekeepers, against the opinion of the medical man who attended Cook in his last illness; or at any rate with no encouragement, as I will satisfy you presently (for there is an observation to be made upon that)—with no encouragement from the medical man, Mr. Jones, the surgeon at Lutterworth, who was of an age and character, having seen the whole illness, to form an opinion upon the matter—Dr. Taylor, having heard the evidence of Elizabeth Mills, and the evidence of Mr. Jones, and of Roberts, came at once boldly to the conclusion that his notion that antimony was the cause of death was a mistake; and he had the incredible imprudence—an imprudence which has led to all this dreadful excitement—an imprudence which has rendered it necessary that this inquiry should take place in this form and in this place, if at all—to state upon his oath before that jury that he believed that the pills which were administered to Cook on the Monday and Tuesday night contained strychnia, and that Cook was poisoned by it.

Allow me for a moment to ask your attention to what the real character of that opinion was. That opinion was delivered, was irrevocable. By it Taylor's reputation was staked against Palmer's life. Instantly followed by the verdict of wilful murder, it flew upon the wings of the press into every house in the United Kingdom. It became known that, according to the opinion of a man whose whole life had been devoted to science, a gentleman of personal character perfectly unimpeached, a man who stood well with his friends in the medical profession—that on his opinion, not conjectural, not delivered, as an opinion, of the kind might properly be delivered, in a private room, to persons on whose discretion reliance was placed, but delivered upon oath in a public room, in the public inn, of a little village where everything that took place was known—and he must have known, I cannot but think, that suspicions had been, as I say, and as I think you will be satisfied, unduly excited about the death of Walter Palmer—that, according to his opinion, Cook's death had been caused by strychnia. In fact, said Dr. Taylor, though I find no trace of strychnia, and though there is nothing to induce me to believe that there is strychnia in the body, except the suggestion that on the Tuesday Palmer bought it of Roberts (which would not account in any way, supposing the mere

purchase of strychnia could account for anything, for the paroxysm on Monday night), yet, having heard that evidence, knowing that I have failed to discover the presence of strychnia, I will undertake upon my oath to say, and on my credit publish to the whole world, that the pills which were given to him on Monday and Tuesday night contained strychnia, and that he died from that poison. Observe what it amounts to. It ascertains, not upon scientific, or well-informed, or consistent testimony, but upon testimony ill-informed, of the humblest class, the least fitted to detail accurately the symptoms of such a disease as it is imputed to be, on evidence not consistent with itself, as respects the evidence of Elizabeth Mills in all particulars, or with the evidence of a much better informed person, Mr. Jones, or with the opinion of Mr. Jones,—it ascertains, and pronounces positively, that the disease of which Cook died was not simply convulsions of a tetanic form, however violent—not convulsions with many features of tetanus, but that it was actual tetanus, and that description of it which could only be caused by one poison, and that poison strychnia. That is the evidence: he lays that down as a proposition on which he is perfectly satisfied to rest, and on that the verdict goes.

Gentlemen, let me ask you in what position we are placed for the safety of our lives and families if, upon such evidence as this, upon suspicions so excited and so sanctioned by hasty opinions of medical men, we are liable every time a sudden death takes place in a family to be put upon our trials on suspicion of foul play to those with whom we live? In the cases which are usually discussed in this Court, witnesses are called to give evidence respecting processes and means of arriving at truth with a knowledge of the facts in question, with the operation of which processes the prosecuting Counsel, the Judge, and the Jurors are as well acquainted as the witnesses themselves. The witnesses come to speak to facts, a great portion of which are within the ordinary knowledge and appreciation of mankind; but if science is admitted to dogmatise in our courts—science not exact in its nature—science not successful, but baffled even by its own tests—science bearing upon its forehead the motto that “a little learning is a dangerous thing”—if that is to be introduced to state processes of arriving at truth, conclusive to its satisfaction, but which we cannot follow, and opinions respecting the cause of death which those processes have not discovered, judges and jurors will have an amount of responsibility thrown upon them too great for human nature to bear. This gentleman, Dr. Taylor, if he had found the poison by his own tests, after long experience of their efficacy, would have been a very good witness to have proved unquestionably that strychnia was there; but not having found it, not having seen the patient, and knowing nothing about him but what Elizabeth Mills told him, and what he heard from Mr. Jones, who did not agree with him, or who gave no evidence agreeing with him—with no better means of information than that, he thinks himself justified, upon his oath in a public court, to say that the pills administered by the medical man (of course he did not mean to impute any misconduct to Mr. Bamford) contained strychnia, that murder was committed, and Cook poisoned by it. If he is allowed to say that, what family and what medical practitioner is safe? Gentlemen, I beg to ask you on what ground does he say that? Not on any peculiar knowledge, for he has not any knowledge as to the effects of strychnia more than any of us—myself, if you please; for when we come thoroughly to look into it, he does not appear, of his own knowledge, to have seen a single case of strychnia in the human subject; and yet he has been daring enough, knowing that the consequences would be disastrous to this man—knowing perfectly well that all the world, or, at all events, the great majority of the world, would take for granted that a medical man in his position would not give a hasty opinion—he has the incredible courage to declare, on his oath, that the pills that were given, as far as he knew, by Dr. Bamford, contained strychnia, and that Cook was poisoned by them!

I have said “a little learning is a dangerous thing;” and it appears to me that there never was a case in which the adage was so applicable as it is in this. Of all the works of God, the one best calculated to fill us with wonder and admiration, and convince us of our dependence on our Maker, and the utter nothingness of ourselves, is the mortal coil in which we live, and breathe, and think, and have our being. Every minute of our lives functions are performed at our will, the unerring accuracy of which nothing but Omniscience and Omnipotence could have secured. We feel and see exactly what takes place, and yet the moment we attempt to explain what takes place, the instant we endeavour to give a reason for what we know, and see, and do, the mystery of creation—“God created man to his own image; to the image of God created He him”—arrests our course, and we are flung back upon conjecture and doubt. We know in a sense—we suppose—that the soft medullary substance which is within the cavity of the head is the seat of thought, of sensation, and of will. We know that that soft medullary substance is continued down the middle of the back, protected by a bony duct or canal, within which bony duct or canal it lies embedded; and we know that from the sides of this bony duct,



and from this medullary substance, proceed an infinite variety of nerves, the conduits of sensation from all parts of the body to the soul, and of muscles connected and dependent on them, the instruments of voluntary motion. This we know; and we know that by that process all the ordinary actions of our lives, at our own will, are effected with the most wonderful precision. Sometimes, however, these nerves and muscles depart from their normal character, and, instead of being the mere instruments of the will of the soul, become irregular, convulsive, tumultuary, vindicating to themselves a sort of independent vitality, totally regardless of the authority to which they are ordinarily subject. When thrown into this state of irritation and excitement, their effects are known by the general name of convulsions. It is remarkable, unlike most other fine names, they are not a modern adaptation. The ancients had them to express the very same thing; the spasmodic and tetanic affections were known then, and as much about them hundreds and thousands of years ago as is known now. Tetanic convulsions have in later times been divided into two specific branches of tetanus—idiopathic and traumatic. We have heard a great deal of these two descriptions of tetanus. One question my Lord asked, which was answered by Dr. Todd—it would have been more satisfactory if my Lord had asked what the meaning of the English of “idiopathic,” viz. self-generating, was; the answer given to the question, What does idiopathic mean? was “constitutional.” True, but that means nothing, or, if anything, it means “unaccountable.”

Lord CAMPBELL.—Without external injury.

Mr. *Serjeant Shee*.—Just so, my Lord; without external injury, but attributable to no known cause, unless in some few instances, perhaps, where there is some injury in the interior of the body; but the meaning of the word “idiopathic” is unquestionably what I have stated; not that it follows they never can be traced to a cause, but that they constantly occur in which the cause may be attributed to one thing or to another, and in that case we say that it is idiopathic tetanus, because we cannot with certainty say it is traumatic, that is, arising from any external injury.

Now, gentlemen, we have had a great deal of evidence produced by my friend, directed to show—assuming that the disease of which Mr. Cook died was tetanus—that it must have been strychnia tetanus. It is a mere assumption they begin with—the merest assumption in the world. I will give you my reasons for saying so, and I think I am justified in so saying. That the deceased died in convulsions is beyond all question, or immediately after convulsions; that they were convulsions that had occurred exactly or about the same hour on the previous night, and something like those which had occurred on the night preceding, something which he described as madness for two minutes, is beyond all doubt. What pretence is there for saying they were tetanus at all? Mr. Jones was examined, and I will read to you presently what the evidence he gave was. Mr. Jones, in the copy of the depositions delivered to me, stated that Mr. Cook died of convulsions, and in the copy of the depositions, which he signed and read over and corrected, there was not a word of tetanus. My learned friend interposed, and said, on looking to the original depositions, it did appear that he had mentioned it, and he said so because in the course of his examination he found a half-written word, “*tetanus*”—he availed himself of it, not unfairly, to suggest, that though he did not positively say it was tetanus, yet that what he observed was something which put him in mind of tetanus. It bore some of the characteristics of a tetanic convulsion; but, gentlemen, it may do so, and yet not be tetanus; and I submit to you that it is bad reasoning, and I will prove it presently. I put a question to the witness on the subject. It is bad reasoning to say without positive proof of the fact that it was tetanus, and it cannot be traumatic tetanus because it did not appear it had presented the distinct features of traumatic tetanus, and therefore it must be tetanus by strychnia. That is the argument. They assume it cannot be traumatic tetanus, they have not discovered the poison, but still they say it must be tetanus by poison!

Let us see whether there is any pretence for saying anything of the kind. My learned friends may tell me, if you venture to impeach the authority of a man like Dr. Taylor, who, though he had no knowledge on the subject, undoubtedly is a gentleman of great reading in his profession, and a gentleman who has written a book, which I will not treat as a book not worthy of being attended to because I think it right on this evidence to attack a particular part of it—if you choose to say his opinion is not to be depended upon, it is incumbent on you to suggest some other theory of the cause of Cook's death which will explain the evidence given, and prove not merely negatively it is not what we say it was, but prove affirmatively it is something else. I say I am not called on to do any such thing. The Crown is the party, or rather those out of whose hands this case has been taken by the Crown, who have thought proper to impute the death of this gentleman to the poison of strychnia; they have followed the trail which has been dragged before them by these toxicologists; and, relying on their judgment and discretion, they have made quite sure they will be enabled to establish the fact that it

was not either by traumatic or idiopathic tetanus, but by tetanus of strychnia, that he had died. I say I am not bound to suggest any theory upon the subject. It cannot be expected that in the defence I should do so, and, in point of logic, it is not reasonable, when we contradict the fact which it is for them to prove, that our denial of that fact and our reasons should be weakened because we cannot conclusively fix the cause of death, or explain the cause of death in any other way. If we can satisfy you that in any one of the numerous varieties of convulsions this gentleman might have fallen, and might have been either asphyxiated, or by some sudden spasm deprived of life in a way different from asphyxia,—it is quite enough for us to prove the probability of that, unless they show conclusively that the circumstances and symptoms which attended his death are irreconcilable with any other theory than that of strychnia poison. Let us see what the symptoms were. I will take the liberty of reading them in the first instance from the depositions, because it is only fair to a person whose judgment I dispute, that you should have placed clearly before you the evidence on which they rely.

*(The Court here adjourned for a short time).*

Gentlemen, I have observed in the course of this inquiry, whenever there has been a question of what a witness has said on a previous occasion before a coroner, my Lord has thought it right to have the whole of the document read. Now I propose to read—unless I am corrected by my Lord, when, of course, I shall immediately submit—I propose to read, for the purpose of my present inquiry, only that part of the deposition which describes the symptoms.

LORD CAMPBELL.—You may read any part of them, completing the sense of the part which you read.

Mr. *Serjeant Shee*.—I am much obliged to your Lordship; and my object in so doing is this: I will read all the depositions of Mr. Jones, though in truth, in my view of the case, the deposition of Mr. Jones is not so favourable to my case as his evidence in open court. If there be a difference, the evidence in open court is more favourable than the deposition; but substantially they are the same. What I propose to do now is to call your attention to the statement of Elizabeth Mills and Mr. Jones before the coroner of the symptoms they observed in Cook on the Monday and Tuesday nights; and having done so, without accepting any challenge which may be made by my friend to account for the symptoms, I will submit to your judgment, on authority which cannot deceive you, whether those symptoms are not more probably accounted for by the convulsions which are not tetanic at all, and certainly not tetanic in its distinct character of strychnia tetanus, but to be classed under those general convulsions by which it constantly pleases Providence to strike man down without leaving a trace of their course in his system. You will find, from the evidence we have heard in this case, because we have had the opportunity of hearing gentlemen who, although called against the prisoner, are of the highest respectability and the greatest learning in their professions, you have heard from them it frequently happens—I do not mean so frequently as otherwise, because as far as I have been able to ascertain some trace is generally found of the disease which is supposed to have caused death—that a man in the prime of life is struck down in a convulsion which leaves not a trace of it in the body. This is what was meant by the term introduced in ancient times of dying by the visitation of God—dying by a convulsion, the cause of which it pleased God that man should not discover. It might also please the Almighty that the cause of it should be discoverable, and it frequently is, and gives evidence to those who examine the body that the remote cause of loss of life is some indiscretion on the part of the deceased person; but it constantly happens there is no trace at all.

Gentlemen, what I have to submit to you is this, that the symptoms described in the depositions of Elizabeth Mills and Mr. Jones were such as to make it quite unjustifiable to resort to the hypothesis of tetanus of any kind, much less of strychnia tetanus. You will recollect—I will not repeat it—the peculiarity of the constitution of this young man, and the evidence of occasional functional disarrangement, not particularly at that time, which involve grave consequences, to which I have already called your attention. I submit to you, on the authorities on matters of this kind, it is much more probable that Cook died in general convulsions not tetanic at all, than that he died from idiopathic, traumatic, or strychnia tetanus.

I have mentioned all that I intend to say about his bodily infirmities: let us now see what has been the state of his mind. He went to the Shrewsbury races in imminent peril of leaving them a ruined man. Mr. Stevens told Palmer, and we have heard nothing to the contrary, that if anybody had claims upon him, there would not be four thousand shillings to meet them. We know, from the necessity under which he was to raise sums of money at exorbitant interest, that he must have been in circumstances of the



ntmost embarrassment—that it was impossible, morally speaking, unless some wonderful success on the turf restored his fortunes, that he could stand his ground at all; and it is this state of mind, and with health, at all events, not stroug, and a constitution exceedingly delicate, that he had been for a length of time cherishing the hope that Polestar, which was hardly his, for it was mortgaged, and which must become another person's if it did not win at Shrewsbury—in all reasonable probability he had been cherishing the hope that Polestar would win, and that he by that winning would possess himself at once of the stakes, which my learned friend stated, and I think it was proved, amounted to nearly 400*l.*, besides some considerable winnings to the amount of 600*l.* or 700*l.* by bets on the mare—upwards of 1000*l.* altogether. That has been mentioned several times. Fancy the condition in which that young man rose from his bed on the Tuesday morning. He must have known and felt when he went down to breakfast, “This night I am either a beggar, or a man with hopes of recovering myself, and with the means, at least for the time, of keeping up my appearance of respectability.” He goes to the races: another race takes place before his mare, Polestar, is brought to the goal. He waits for it in a state of feverish anxiety and expectation—the hour that intervenes appears to him everlasting. At last the horses start, and his mare wins easily: he is the winner of 1000*l.* We may suppose that to be the sum. What effect has it upon him? Mr. Jones tells us the effect. He is unable to speak for three minutes. He is saved, not merely in purse but in honour and character—saved before his relatives and friends. He will not be a disgrace to them yet, at all events; he may retrieve his fortunes, and become an honourable and respectable man. Conceive him to be a man with right feelings—and it is not because a man falls into the ways of promiscuous licentiousness that he is devoid of all honourable feeling—conceive him to be an honourable man, a man who loved the memory of his father and his mother, who valued the respectability of his family, and who had a desire to appear before his sister, Mrs. Bradford, as an honourable man, instead of being known to her as a leviathan and a blackleg, driven from all honourable society. The effect of his success is that for three minutes he cannot speak, though he is with his intimate friend Mr. Jones. He goes back to the inn, though he has to some extent recovered himself, in a state of elation, of which it is my duty to say that one man said he was not more elated than other people when they have won, but still, depend upon it, overjoyed, and with a revulsion from the despair in which he was, which must have convulsed, though not in a sense of immediate illness, every fibre of his frame. His first and his natural inclination was to entertain his friends, and he gives a champagne dinner. The evidence is that he did not drink to excess; that is the evidence: but he had champagne, and we all of us know that when there is champagne there are other things besides, and it very often happens it is not because champagne is drunk the company do not drink as much of other wines. What in ordinary parlance is called a champagne dinner is a good, luxurious entertainment, in which there is no stint and not much self-restraint. I do not mean to say he was drunk. The evidence is he rose from table not drunk, and therefore it is not for me to say, and the evidence will not justify me in saying, he was. That evening he did not spend in the company of Jones. I do not think it is very clear in whose company he spent it after the dinner was over; but we find him the next night, Wednesday, at the Unicorn, with Saunders the trainer, Mr. Palmer, and a lady. The next morning is cold and wet. He went on the ground, and was observed by Herring standing in the wet, and remonstrated with for so doing. He was taken ill that night, and you will hear what his symptoms were. I shall call your attention to those under the third head of what I have to address to you. He sent for a doctor, who recommends an emetic. The poor man seemed to know more about it than the doctor. He said he could do it with hot water and a tooth-brush. Perhaps he had often relieved his stomach in that way. He was unwell that day, and was ailing till his death at Rugeley. That is the general history, as far as the mental excitement can be referred to: great reason to apprehend ruin when he went to Shrewsbury; immediate, sudden, yet only partial recovery from his embarrassments at Shrewsbury; and home to Rugeley to meet them again in their full intensity, all the winnings and twice the sum, to save him from the ruin he had brought on himself. All the property he appears to have had at the time were Polestar and Sirius, and they were mortgaged for debts due to Pratt. He may have had some few hundreds in money. It is with a weakened body and an irritated and excited mind that he is affected with a sickness at Shrewsbury, which elings to a system incapable of being recruited by the ordinary necessary food, without which the strongest man gives way, excites his nerves, and makes him in imminent danger of falling a victim to any convulsive attacks to which his constitution would be likely to be disposed. Depend upon it the thoughts of that young man, when he retired to bed, were not the thoughts with which you lay your heads upon the pillow. He had much to think of which he regretted, much to

deliberate upon which was of a nature to excite in his mind the most serious apprehensions. There was neither credit, nor honour, nor anything in his career which would make him respect himself, or respectable in the eyes of others. His rest was only imperfect at the best, and after the gratifications of the animal appetite to which people in some instances resort to alleviate the unhappy recollections of the moment, he had no resource. He desired no society so much as the society of Palmer. His residence was at the Talbot Arms, which was, in fact, a residence with Palmer. He does not appear to have had a sitting-room to himself; he does not appear to have frequented the coffee-room. He had a bed-room at the Talbot Arms, and his real home, where he often was, and would have been nearly altogether but for his illness, was Palmer's house over the way. That was his condition at Rugeley. He is taken violently ill on Sunday night. We had nothing but his own description of it; but what is that description? He had been poorly for some time. For two nights he had been taking opium pills prescribed by Mr. Bamford. Mr. Bamford is an aged man, but there is no doubt a respectable man, and a man who would be likely, I think we may fairly infer, to consider what the complaint was and prescribe accordingly. In the middle of the night, at twelve o'clock, he was awakened from a dream in a state of affright. He says he was nearly mad; he rang the bell, but nobody would come.

Lord CAMPBELL.—He thought they would not hear him; he thought they had gone to bed.

Mr. *Serjeant Shee*.—Yes, that is so; I am much obliged to your Lordship. He states he was mad for two minutes, and what did he ascribe it to? Nothing but sudden alarm by the noise of a quarrel in the street. Does that happen to us, gentlemen? Does it happen to those of us who live regular lives, and who are of good average constitution? Do we awaken in a state that we can describe as madness, and without any mode of accounting for the paroxysm but a quarrel in the street? It must have been a very high state of nervous excitement. It must have been something violent while it lasted—transient in its character—but something that arose from a disordered state of the stomach and an agitated and anxious mind, probably in some degree weakened by the medicine he was taking, the calomel and the morphia, to which he had shown a great reluctance, in which he placed little confidence, because Dr. Savage told him he ought not to take opium, and therefore he would be to some extent coerced by the opinion of Mr. Bamford.

Mr. BARON ALDERSON.—That was calomel.

Mr. *Serjeant Shee*.—It was so, my Lord. So that he was coerced, as it were, into taking something he did not like, because there was calomel in those pills. The next day, the Monday, he was well the whole day; not well in the sense of being strong and able to take a walk in the fields, or mount his horse and gallop about the country, but well in the sense of being able to get up, after trying to breakfast in bed, to talk of sending for the barber, and, I believe, actually sending for him; of seeing his trainer and his jockeys, and discuss his plans for his next campaign—well to that extent, but not out of his bed-room, taking no substantial food, not vomiting much that day, though a little I think in the morning, which is ascribed by the theory of the Crown, or by those whose case the Crown has been forced by public opinion or by public excitement to take up, to Palmer's absence all that day. We do not hear that Cook took anything solid. We do not hear that he lunched at one o'clock, and then, as most probably he was in the habit of doing, took his beefsteak and his leg of mutton, or his chicken, at five or six o'clock. He had no insuperable dislike to brandy-and-water; he could, on an occasion, take his glass or two, though Palmer was not there; but he does not appear to have been in the condition, ill as he was, to have any gratification in food or drink of any kind; and Palmer was in London all the time. Then, in the middle of the night, at twelve o'clock, he is seized with a paroxysm, which Elizabeth Mills describes. We will take her description.—(*The learned Serjeant here read a portion of the deposition of Elizabeth Mills.*)—That is the account of Cook's illness on Monday night. It might have been a much less serious fit than the one on the Sunday night. Nothing took place which could justify any man in saying that he was mad for a minute—nothing of the kind. But let us be fair. Afterwards, in talking of it, he says, speaking to Elizabeth Mills, "Did you ever see anybody in such agony as I was last night?" We have the description of Elizabeth Mills, and his own statement afterwards; "I saw him again about seven o'clock, and he asked me whether I ever saw anybody in such agony as he was the previous night." Not to tie the young woman down to a word, the fair inference of the whole of that statement is that for some time during the whole of that paroxysm he was in pain, and in great pain, but that he never lost his senses. He could not very well be in such a state as that which he described on the Sunday night. Now let us have the



statement of Mr. Jones, who is, we must take it, a perfectly competent man, and whose evidence must be attended to. Mr. Jones was requested to go there by Palmer, Palmer having written to him on the Sunday. He was not able to go then being himself indisposed, and he could not get there till Tuesday. He went there on the Tuesday, and got there by three o'clock, and he was for some time with Cook alone.

Now, just observe the consequence of that, looking at the circumstances of this case. Mr. Jones was the most intimate friend, as far as we can judge, that Cook had. Probably he was. He had a great regard for Mr. Stevens, who had been the husband of his mother, but he was not so intimate with Mr. Stevens. Mr. Stevens was probably a gentleman who did not approve—in fact, he frankly told us he disapproved—of the course Cook was pursuing. Probably he was more austere to him during life than we should imagine from the way he speaks of him after death. His best friend seems to have been Mr. Jones. No doubt Mr. Jones, though he was a respectable man, did not take on himself to rebuke or reprove Cook for what he might think it not correct to do. He lived in his house at Lutterworth, and appears to have been on such good terms with Cook that Palmer knew it would not be disagreeable to Cook if Mr. Jones would come and stay and sleep in the same bedroom, and so long as he required the attendance of a friend; and, as far as we can understand, Mr. Jones has Cook to himself from three to seven o'clock. He has him to himself for some considerable time. You know part of the suggestion in this case for the Crown is that Cook thought that Palmer had played false with him at Shrewsbury; part of the suggestion in this case is that Cook thought at Shrewsbury Palmer laid a plan for circumventing him, and of getting his money. Here is Cook with Mr. Jones two or three hours before Palmer comes. Palmer comes with Mr. Bamford I think about seven or eight o'clock.

Mr. BARON ALDERSON.—No; he came immediately after Mr. Jones, and was in and out of the room.

Mr. *Serjeant Shee*.—However, Mr. Jones had the opportunity, during the afternoon, if Cook had wished it, of being the recipient of the whole confidence of Cook; Cook might have said to Mr. Jones, "I am glad you have come; I have been acting the fool with Palmer; I suspect him; I think he means to get my money."

The *Attorney-General*.—You must not say that. You would not let me ask him any questions about it.

Mr. *Serjeant Shee*.—I do not say that it did pass. I use it in this way: it might have passed, and that it did not is clear, because Mr. Jones entertained no suspicion of the kind; he having been with Cook during the whole of the evening shows that it did not pass, and that nothing occurred in the entire and unbounded confidence which may be supposed to have existed between Cook and Mr. Jones, to raise a suspicion in the mind of Mr. Jones; and so much was that the case that, at the consultation which took place between seven and eight o'clock on Tuesday evening, between Mr. Jones and Palmer and Mr. Bamford, as to what the medicine ought to be, the fit of the Monday night was never mentioned; it was not alluded to at all.

Gentlemen, that is a very remarkable fact; it is remarkable in two ways; the Crown might say it is remarkable in this sense: that Palmer knew it, and said not a word about it. But it seems it was a matter, in the opinion of Cook, so little serious, that he never said a word of it to Mr. Jones, because, if Cook had thought that those words which he used to Elizabeth Mills were not an exaggerated description of what had occurred, do you not think, when Mr. Jones came to see him, and felt his pulse and inquired what his symptoms were, that Cook would have said (he being in full possession of his senses) "You cannot judge now from my appearance how I am—I was in a state of madness last night—I was in the greatest possible agony—I do not know what it was—I was attacked in the middle of the night in such a way that I thought I was going to die"? As he had Mr. Jones with him, would he not have mentioned that in the conversation? My inference from that is, that in all probability this first statement of Elizabeth Mills was the correct statement of what occurred; and if we find it is consistent with what Mr. Jones says as to what occurred the next night in its general character, it would be very nearly the same on both nights. We may reasonably infer that anything in excess of that, on which the medical evidence was given, has been the result of imagination, and not so strictly consistent with the truth as the original statement. Let us see what Mr. Jones says. (*The learned Serjeant read a portion of the deposition of Mr. Jones before the Coroner.*) Observe the significance of that. Palmer, in the presence of Mr. Jones, brings up two pills, which it is supposed were the pills that poisoned him—pills containing a substance which sometimes does its work in a quarter of an hour, which has done it in less, but never hardly exceeds half an hour! and so we are to be asked to believe that Palmer, Jones being present, and

Cook in his presence objecting to take the pills, positively forced them down his throat, at the imminent peril of his falling down, like the rabbit, in two or three minutes afterwards in convulsions evidently and manifestly tetanic. He states what did take place. (*The learned Serjeant read a further portion of Mr. Jones's deposition.*) But, as I am reminded by one of my Lords that in the course of the examination of Mr. Jones the word "tetanus" is used, it is right I should say a word on that, lest I should forget it. The word "tetanus" is not in the deposition, and it is very remarkable—it is one of the most extraordinary things, as showing, when persons have got a theory into their heads, how they will *fag* it, and stretch it to its very utmost, and make it fit and fall into the exact place into which they wish it to go. We have it in the evidence of Dr. Taylor, that on the occasion of the inquest he sat next to Mr. Deane, the attorney's clerk, and suggested the questions which it was necessary to put, in his judgment, in order to elicit the whole truth as to the symptoms of Cook. Now, fancy Dr. Taylor, who has had a letter telling him it was strychnia—that there was a suspicion of strychnia; fancy Dr. Taylor, who had all but made up his mind to state positively on his oath his opinion that the pills, on Monday and Tuesday, contained strychnia—

*The Attorney-General.*—You are misled on a matter of fact with regard to that. I am told, and, if necessary, I will ask the question, that Dr. Taylor was not present when Mr. Jones was examined. You say he suggested the questions.

*Mr. Serjeant Shee.*—I did not mean to misrepresent anything. Mr. Deane was there.

*The Attorney-General.*—Not on that occasion at all.

*Mr. Serjeant Shee.*—Then the observation does not arise. I thought it might fairly be that the suggestion which had been put forward by the Crown was the suggestion of Dr. Taylor. I do not think it is impossible that Mr. Jones, when he gave that evidence, had in his mind's eye what he had seen that night and not seen very correctly. He had not light enough to see the patient's face. There was only one candle, and he could not tell whether there was any change in his countenance on the Tuesday—a very important symptom. They say it cannot have been traumatic, because there is a peculiar expression in the face—a fact which nobody observed. It was too dark, in this case of Cook's, to take notice. Mr. Jones gave his evidence, and he is a competent professional man, and it is quite clear that the notion of tetanus, or tetanic, tetaniform, or something like tetanus must have entered into his mind, because the clerk has put down "*tetinus*;" he probably had not heard of the word before, and the probability is, something like it was used. He said he did use it, and afterwards it was struck out and Mr. Jones corrected his deposition, read it all over and signed it, and left it with the word struck out. There are strong symptoms of "*compression*," that is one word struck out; then afterwards there is the word "*tetinus*," and then those two words are struck out, with Mr. Jones's entire approbation, because otherwise he would have corrected it when he signed it; and he said he read it over, and the words "violent convulsions" were substituted. What is the fair inference from that?—that the man who saw Cook in the paroxysm did not think himself justified in saying it was tetanus. It might be very like; it might have a tetaniform appearance; but it was not tetanus.

Gentlemen, I will call your attention to the features of general convulsions. I cross-examined several of the medical witnesses, for the purpose of inducing what I consider to be a true belief as to this case, that the convulsions in which Cook died were not tetanus properly speaking, or tetanic properly speaking; but that they were convulsions of that strong and violent character which are tetaniform, though not classed under idiopathic or traumatic tetanus, but under the head of general convulsions.

Gentlemen, I now propose to read a description of general convulsions from the work of Dr. Copland. I called the attention of the very learned gentlemen who were examined for the Crown to what was laid down in that work, which is admitted to be one of authority, and I cannot conceive how you, to whom this matter of fact is to be submitted, can form an opinion whether or not my theory, or rather my belief, that he died by the visitation of God, in violent general convulsions, be a probable one, unless you hear from what was not written for the purposes of this case what the features of general convulsions are; so, if you please, I will read to you what I have myself copied from the work of Dr. Copland.

*The Attorney-General* objected to Dr. Copland's book being read, unless he was called as a witness.

*Mr. Serjeant Shee.*—I read it to one of the witnesses.—This I may say, as I am upon the point, that the only persons in the profession who can be supposed to have any competent or reliable information on the subject of tetanus, not traumatic, are physicians;



and not one physician—properly so speaking—not one of that most honourable body of men who see the sudden attacks of patients in their beds, and not in hospitals, has been called to speak to this. Dr. Todd was called, and Dr. Todd gave his evidence in a way to command the respect of everybody; but Dr. Todd is a gentleman whose practice does not appear to have been so much that of a physician as that of a surgeon; he is physician to the King's College Hospital, and has held that office about twenty years; he has lectured on diseases of the nervous system and tetanus, but he does not appear to have been a physician in general practice.

Gentlemen, I am instructed I shall be able to show by eminent men that what I am about to read from Dr. Copland's book, as part of my speech, is a true description of convulsions that are not idiopathic or traumatic, but of a general kind. He first gives the definition of "General Convulsions," which he says are "violent and involuntary contractions of a part, or of the whole of the body, sometimes with rigidity and tension (tonic convulsions), but more frequently with tumultuous agitations, consisting of alternating shocks (clonic convulsions), that come on suddenly, either in recurring or in distinct paroxysms, and after irregular and uncertain intervals." We will see what he says about it:—"If we take the character of the spasm in respect of permanency, rigidity, relaxation, and recurrence as a basis of arrangement of all the diseases by abnormal action of involuntary muscles, we shall have every grade, passing imperceptibly from the most acute form of tetanus through cramp, epilepsy, clampsia, convulsions, &c., down to the most atonic states of chorea and tremour. Also, if we consider the affections called convulsions, and which are usually irregular in their forms, with reference to the character of the abnormal contraction of the muscles, we shall see it in some cases of the most violent and spastic nature, frequently of some continuance, the relaxations being of brief duration, or scarcely observable, and in others nearly or altogether approaching to tetanic. These constitute the more tonic form of convulsions, from which there is every possible grade, down to the atonic or most clonic observed in chorea or tremour. The premonitory signs of general convulsions are (inter alia) vertigo and dizziness, irritability of temper, flushings, or alternate flushing and paleness of the face, nausea, retching, or vomiting, or pain and distension of the stomach or left hypochondrium, unusual flatulence of the stomach and bowels, and other dyspeptic symptoms. In many instances the general sensibility and consciousness are but very slightly impaired, particularly in the more simple cases, and when the proximate cause is not seated in the encephalon; but in proportion as this part is affected primarily or consecutively, and the neck and face tumid and livid, the cerebral functions are obscured, and the convulsions attended by stupor, delirium, &c., or pass into or are followed by these states. The paroxysm may cease in a few moments, or minutes, or continue for some or even many hours. It generally subsides rapidly, the patient experiencing at its termination fatigue, headache, or stupor, but he is usually restored in a short time to the same state as before the seizure, which is liable to recur in a person once affected, but at uncertain intervals. After repeated attacks the fit sometimes becomes periodic (the convulsion recurs of authors). The most common causes are (inter alia) all emotions of the mind which excite the nervous power and determine the blood to the head, as joy, anger, religious enthusiasm, excessive desire, &c., or those which greatly depress the nervous influence, as well as diminish and derange the actions of the heart, as fear, terror, anxiety, sadness, distressing intelligence, frightful dreams, &c., the syphilitic poison and repulsion of gonorrhea or rheumatism."

Now do you believe that if Dr. Taylor had read that before he went to the inquest he would have dared to say that this man died of strychnia poison? Is there one single symptom, in the statement made in the depositions of Elizabeth Mills and Mr. Jones, which may not be classed under one of the varieties of the degrees of convulsions which Dr. Copland describes? Now it is not for me to suggest a theory, but the gentlemen whom I shall call before you, men of the highest eminence in their profession, not mere surgeons of hospitals who never see anything hardly except it is of that nature, that is, of the traumatic kind—gentlemen, do not suppose that I should be capable of speaking disrespectfully of Sir Benjamin Brodie, or of any of the gentlemen called except in terms of the highest respect; but they are surgeons of hospitals, and obtain a certain experience as to those misfortunes under which, through violence, the human frame suffers; who have not so much opportunity of witnessing and of knowing the symptoms of the class of convulsions which constantly attack people in their own residences in the dead of the night—those convulsions which heads of families and brothers and sisters are most anxious to conceal from anybody but the medical man—those convulsions, the known existence of which deprives a young woman of the hope, or a young man of the hope of marriage. It is the men who have that sort of experience—the general practitioners—men who enjoy the entire confidence of numerous families, and have the



opportunity of visiting, in the way of their profession, the poor at their lowly dwellings, suffering under sudden convulsions when affected by serious disease: those are the men that we want to tell us about convulsions. Do not let me mislead you for a moment—the evidence I have read to you is not the whole of the evidence of Elizabeth Mills. There is her evidence, differing in some material particulars from the evidence given by her before the Coroner. As to Mr. Jones, the evidence does not so much differ, though there may be some particulars in which there is a difference—and there is one remarkable one: he said in his depositions, “the body was resting on its head and its heels;” but in his evidence he says, “it was so bent that if it had been turned on its back, it would, or might, have rested on its head and its heels”—that is, if it did not rest on the back; but he in substance says it did. Mr. Bamford says he found it resting on its head, its back, and its heels, thereby excluding the supposition that a part of the body was not supported by the back. However, before I go to that, perhaps you will permit me to call your attention to the symptoms of traumatic disease. My belief is, and I submit it to you, and it is what I shall hope you will confirm by your verdict, that this complaint was not tetanus at all, but it was, according to this description—the description to which I will call your attention—it may well have been, some form of traumatic tetanus or idiopathic tetanus—there being no broad general distinction or certain confine between idiopathic or self-generating tetanus, or tetanus not arising from any extreme hurt or any violence to the interior part of the system; and many forms of convulsions, that is tetaniform, are pretty much the same as idiopathic tetanus, and we have had numbers of medical gentlemen who have told us they never saw a case of idiopathic tetanus. The answer to that is, you have had very limited experience. They are not very frequent; but there are gentlemen here who have seen cases of idiopathic tetanus, and they are not of such unfrequent occurrence by any means. There is one gentleman who is here, and whom I will call before you—a gentleman who attended at the bedside of the lady at Leeds who was suffering under strychnia, who has himself seen four cases of idiopathic tetanus; and there are other gentlemen here who have seen them also: they are not so rare, but they very rarely fall under the notice of surgeons of hospitals; they are not so frequent as traumatic tetanus: cases of traumatic tetanus do frequently supervene from the operations of the surgeons themselves; sometimes after operations, however skilfully performed, a lockjaw is the consequence. The persons to give you information on the subject are the general practitioners. Dr. Watson is a general practitioner—let us see what he says:—(*The learned Serjeant read a passage from the work of Dr. Watson*).

Now we shall see that none of those symptoms which were spoken to on the day of the inquest by Elizabeth Mills and Mr. Jones may not range under one of those forms of tetanus, the idiopathic or traumatic. The idiopathic mingling in all directions with general violent convulsions is not to be distinguished from them, inasmuch as convulsions have constant tetaniform appearances; and the meaning I take it, of that, is this:—it is true, as Dr. Watson says in a passage which I called to the attention of one of their witnesses—it is true that in four cases out of five traumatic tetanus begins with a seizure of the lower jaw, unless, as Sir Benjamin Brodie tells us, it may begin, as it did in two cases which he attended, many, many years ago, in the limbs. He told us so when he was here; it began there before it attacked the jaw; but generally trismus or lockjaw is the first symptom; but there is a fifth case in which it is not, and Mr. Curling told us that that was about the proportion—four out of five; so that even traumatic, or that kind of tetanus which sets in after a wound, does not always begin with some affection of the jaw or neck. Now, gentlemen, having gone so far, and having endeavoured to satisfy you that the symptoms which were spoken to by those two witnesses on the depositions may be the symptoms, as I think—that is to say, as I am told, having no experience of my own in the matter—that these symptoms are rather referable to that violent description of general convulsions than to any form of tetanus, let us go to the question, whether or not the symptoms are consistent with what we know of tetanus produced by strychnine, because, if we are satisfied on a full inquiry that they are not consistent with the symptoms unquestionably produced by strychnia tetanus, then the hypothesis of the Crown entirely fails, and John Parsons Cook cannot have died of strychnia poison.

Now, gentlemen, whether that be so or not will depend in a great degree, as it strikes me—but of course it is entirely for you—on what you think of the evidence of Elizabeth Mills; but before I go to the evidence of Elizabeth Mills I will call your attention to what the description of strychnia tetanus is, as given us by two very eminent gentlemen who were called the other day for the Crown—Dr. Taylor and Dr. Christison; and if we find on looking at it that that description of the poison of strychnia tetanus, given by them, is a different thing from the picture first given of the complaint, of the paroxysms of John Parsons Cook by Elizabeth Mills and Mr. Jones, I think it would be rather too



bad on their mere opinion to say that this is strychnia tetanus. Let us take Dr. Taylor's description of strychnia tetanus: I am not sure whether Dr. Taylor stated he had ever seen strychnia tetanus in the human subject; however, we must be just to Dr. Taylor. Dr. Taylor has had an extensive reading upon the subjects upon which he writes, and it is not to be supposed that Dr. Taylor would hastily set down in his book what he did not find established on high authority; therefore, though having it at secondhand, Dr. Taylor knows something upon the subject.

Now Dr. Taylor, in his work on strychnia poison, has this under the head of strychnia, "that from five to twenty minutes after the poison has been swallowed the patient is suddenly seized with tetanic symptoms, affecting the whole of the muscular system; the body becomes rigid, the limbs stretched out, and the jaws so fixed that considerable difficulty is experienced in introducing anything into the mouth." On both the depositions and the other evidence it is stated that Mr. Cook was sitting up in bed beating the bed-clothes, frequently telling the people about him to go for Palmer, asking for the remedy, and willing to take whatever was given him; there was no considerable difficulty in introducing anything into the mouth, and the paroxysms, instead of beginning within from five to twenty minutes after the poison was supposed to have been swallowed, did not begin for an hour and a half afterwards. Dr. Taylor further on states, "after several such attacks, increasing in severity, the patient dies asphyxiated."—That there were some of these symptoms in this case there can be no doubt, and there will be some of them in every case of violent convulsions, yet it is not the description of such a case as that of John Parsons Cook. Now, let us see what Dr. Christison says: "The symptoms produced by strychnia are very uncommon and striking: the animal begins to tremble, and is seized with stiffness and starting of the limbs. Those symptoms increase till at length the animal is attacked by general spasms." Is that the description of either of these paroxysms? Who can say with any degree of truth that it is? Just observe these last indications of strychnia tetanus, which are consistent with all the cases stated in their books. It is only justice to those gentlemen who have taken pains to look to the authorities to which they refer, to say that the statements which they give of their cases are in the main correct, but not in all their details. The books would be five times their size if they were; but they are in the main correct, when we look to the foreign authorities on which they are founded:—"The fit is then succeeded by an interval of calm, during which the senses are impaired or are unnaturally acute; but another paroxysm soon sets in, and then another and another, until at last a fit occurs more violent than any that had preceded it, and the animal perishes suffocated." I know exactly what Dr. Christison means by this, because there is a gentleman here who will state an experiment which I saw myself; it was an experiment, and for the purpose of this case, or to assist me; and I disagree with Dr. Taylor that there can be a moment's hesitation in sacrificing ten or twenty dogs for the purpose of ascertaining the truth of this theory when a man's life is involved. These experiments were performed by Dr. Letheby while I was there. I will state them to you, because he will prove it by and by. A dog had some strychnia put in his mouth, one grain, and then for about—I cannot be sure as to the time exactly, but about twenty or twenty-five minutes—I cannot be sure, it might not be so much—the dog was perfectly well. There were two rabbits on the table which were about also to be subjected to the operation, and the dog, when the chain was sufficiently relaxed to enable him to do so, showed all the indications which a dog naturally does to get at the rabbits; he was pulling at his chain, and was smelling and pawing and taking an interest in the rabbits; suddenly it fell down on its side, and its legs were stretched out in a most violent way. It panted, and then it remained for some time—two or three minutes—quiet, occasionally a little jerking, but generally quiet. It recovered again for a time, got up and looked at the rabbits, but was dizzy, seemed afraid to move; and, if you touched it, shuddered and twitched, to use Miss Elizabeth Mills's description; seemed to be afraid, and after another moment down it went again. It got up again, and down it went again, and at last it had a tremendous struggle, and it died. That is what Dr. Christison means by this description; it would be true if the dose had been a strong one. If the dose had not been sufficient to kill the dog, it would probably be a longer time—at least, I suppose so—in producing its effect, and the interval between the paroxysms, as stated by Dr. Taylor and Dr. Christison, would get less and less, until at last the animal would recover. If the dose is strong enough to kill, the interval between the paroxysms is shorter, till at last the violent one comes which destroys life; the eyes are fixed, and there it lies, and just before its death—and I thought it was dead, but I was told immediately before its death—just before it dies, the limbs become as supple and as free as it is possible to conceive the limbs of an animal to be; whichever way you placed them after the animal is quite dead, if you place them in any form, the *rigor mortis* comes on, and they remain in the position in which you place them. Dr.

Christison says they assume rigidity. I saw this operation performed, and also on the two rabbits, and their symptoms were substantially the same, and their limbs in both cases were quite as flaccid immediately on death. The animals during the time of the intervals between the paroxysms were exceedingly touchy, and seemed afraid of being touched at all; if you were to touch them, they would shrink away. It was more so in the dog; it was in fact a sort of shudder—that is what Dr. Christison means.

Now, gentlemen, without going through the whole of these details, I will state to you my reasons for saying, on the authorities and from my study of the books of those two gentlemen, that according to their principles this cannot have been strychnia poison. Now, I object to the theory of its being strychnia poison, first, on this ground, that no case can be found in the books, in which the patient while the paroxysm lasted has had so much command over the muscles of animal life and voluntary motion as Mr. Cook had on the Monday and Tuesday nights. You heard that Mr. Cook was sitting up in his bed, that Mr. Cook was beating the bed-clothes, that Mr. Cook was talking and crying out for Palmer, and to have the remedy given to him; that Mr. Cook, so far from being afraid of people touching him, asked to have his neck rubbed, and it was rubbed. There is not a single instance in the books of Dr. Taylor, or in the books of Dr. Christison, or any other books of any medical man describing the symptoms of the strychnia poison, in which the well-known symptoms the *mollensio* took place—not one, and it is inconsistent with their description, and what I tell you will be the proof Dr. Letheby will give of the experiment that I saw, and of many others he has performed. The animal has not the power to do it, it is fixed in that way, there is nothing like it in any of their own books; wherefore, I submit to you on that part of the case—I will not weary you by reading their books, because they very frankly stated when I asked them—I do not know that I should use a hard term, because they think proper to believe in their theory and are desirous of promoting it; but I cannot but think—and I shall not be understood as saying that they would state deliberately what they believed to be untrue—but I cannot help thinking, as I said before, that they are fagging this theory to death.

I will go to the next point on the ground of which I say this is not strychnia poison. I say there is no authentic case of tetanus by strychnia in which the paroxysms were delayed so long after ingestion of the poison as in this case; no authority and no authentic report, by which I mean no case recorded in any work of authority, even an authority less than the authority of these two honorable and respectable gentlemen, can be found in which the paroxysms have been delayed so long a time after the ingestion of the poison as in this case. I will refer, however, to their own statements, knowing that they are here.—(*The learned Serjeant read an extract from Dr. Taylor's book.*)—There was one case to which his attention was called, it was not a fatal one, but it got better, and still he says the symptoms were those which he described, and thought it was too late to get the poison out of the stomach, as in half an hour it had got into the circulation: what can be more clear? it is a broad distinguishing feature in the strychnia. The interval which took place between the ingestion of the poison in Mr. Cook's case, and the time when the paroxysm commenced, was much too long, three times too long, to indicate the effect of poison by strychnia. It cannot be pretended it was a similar case, if the symptoms are properly described, as I will presently call your attention to them, by Elizabeth Mills in her statement in this court. Now, gentlemen, thirdly I submit, and I will prove, that there is no case in which recovery from a paroxysm of strychnia poison has been so rapid as in Cook's case on Monday night, or in which a patient has enjoyed so long an interval of repose or exemption from its symptoms after they had once set in. It is a very remarkable feature, if it be true—if I am right in saying that there is no case in which recovery has been so rapid as in Mr. Cook's case on Monday night, followed by so long an interval of relief from the paroxysm. In fact, in this case of Mr. Cook's, on the theory of the Crown, it would not have come on again if a second dose had not been given. There was an end of it when Elizabeth Mills left Palmer sleeping by the side of his friend in the arm-chair. How easy it would have been for him then, if he had been disposed, when Elizabeth Mills had gone to bed and had retired to her room, to have called out to her that Mr. Cook was in another fit, and to have killed him, almost without suspicion on the part of anybody. Now let us see what Dr. Taylor says.—(*The learned Serjeant read a passage from Dr. Taylor's book which has before been referred to.*)—That is what Dr. Christison tells us in general terms, that these convulsions are succeeded by intervals of calm, during which the senses are unnaturally and unusually acute; another fit then begins, it subsides, and is succeeded by another and another, till at length a fit takes place more violent than any before it, and the animal dies suffocated. Here, I submit to you, is a distinction between the case of Mr. Cook and that which these gentlemen state to be the distinguishing feature—in that there is no recurrence.—(*The learned Serjeant read a passage from Dr. Christison's book.*)—



Is that the case of Mr. Cook? Is it invariable? How can they, not finding the poison at all, and the features differing altogether from the description in their own books, be willing to give evidence tending to conclusions that Mr. Cook died by strychnia poison administered by the prisoner at the bar?

Now I will come to another feature of the disease, the post-mortem symptoms of the disease. I am told, and it certainly was so in the case of the animals I saw killed, and I saw three animals killed, of which I have spoken to you, and Dr. Letheby was good enough to have dug up from his garden a rabbit which had been killed by strychnia, and to open it before me, to examine the heart, and the heart was full; the heart of the dog was quite full, and the hearts of the two rabbits which I saw killed were quite full—as full as they could possibly be. Now I am told, but it is a matter for you, by the gentlemen whom I will call, who have not been afraid of dogs, and who have found means of giving them the poison without losing any portion of their fingers, and who have also treated rabbits and I believe some other animals in the same way—cats and foxes, and many kinds of animals—I am told that the result of an enormous proportion of such examinations has been, and, if properly conducted, of all of them, that the heart is full on the right side invariably. I am told if they do the thing clumsily they may get an empty heart—that is, if they open the head first and cut through some of the large arteries of the head or the throat, the head, in the act of the operation, lying back, the blood from the heart will escape, and, by its mere gravitation, will rush towards the vessels of the head. That has been one of the things they did not go into. If they had killed more rabbits they would have known more about it; and not having chosen to extend their experience—I am not now alluding to Dr. Christison, because he tried a wild boar, and that is as much as any man can be expected to do—but not wishing to extend their experience of domestic animals, they have not had the same opportunities of forming an opinion as operators more ruthless, if you please, but greater lovers of science, and more anxious to make the inferior animals, at some little unpleasantness to themselves, conducive to the benefit of man and the improvement and extension of science; and, I will say, for no cruel objects, but worthy objects, and no better proof can be given than that they were good than this case, where it was for the purpose of endeavouring to save human life. We will prove to you that the heart of the animal which was killed by strychnia poison is invariably full, and it stands to reason it would be so; if you kill an animal, and I hope, if you have a doubt about it, that some morning before the Court sits you will desire that a reasonable number of animals shall be brought into one of the yards of this building, and that you see them die by strychnia, and form an opinion for yourselves.

Lord CAMPBELL.—That cannot be.

Mr. *Serjeant Shee*.—Now I have discussed what may be said for this purpose to be the theory of the matter, but I have not yet met the strong point which will be made for the Crown on the evidence of Elizabeth Mills. I am, on all occasions, most reluctant to attack a witness examined on his or her oath, and particularly if she be in a humble condition. I am very reluctant to impute perjury to such a person, and I think a man who has been so long in the profession as I have been would, in most cases, be at his wit's end when he rushes at once to an assumption that a person whose statement, after a considerable length of time, materially varied in the description of symptoms which medical witnesses have seen, that therefore the witness has necessarily, deliberately perjured herself. The fact is, we know perfectly well, if a considerable lapse of time takes place between the time when the first story was told and the telling of the second story, and the intelligent persons who are anxious, for the purpose probably of ascertaining the truth, but with a strong moral conviction of the guilt of the party charged, that such persons will go and talk to witnesses, and ask them, "Now you have seen so and so, was there anything of this kind?" using expressions which they know to have been used in a case of poison of the same kind which they suspect in the peculiar case under investigation. It may be that she adopts the various suggestions that they make, and she persuades herself she may tell it in court. That is either wicked perjury, or it is a deplorable weakness of mind and of memory, and a total absence of persistence in a strongly-formed opinion, which renders a person's evidence of the least possible real value, but, at the same time, of the most fearful and most mischievous effect to the party accused. Let me point out to you what occurs to me to be the right opinion to be formed of the evidence of Elizabeth Mills. I submit to you in this case of life and death, or in any one case involving any question of real importance to liberty or to property, that young woman's evidence cannot and would not be regarded in the ordinary administration of justice, when on material points she has stated two different stories. A jury can really hardly believe them, and in criminal cases the learned Judges are, without altogether rejecting the evidence and withholding it from the jury, in the habit of pointing out

to the jury the discrepancies between the statements given at different times, and saying that under all the circumstances of the case it would not be safe to rely on the testimony in the last instance, if it differ from, and probably is more strongly adverse to, the party accused than the statements made when the impression was fresh in the witness's mind. It cannot be said in this case that Elizabeth Mills was not fully and fairly examined. I submit to you, with great deference to the Attorney-General, that he really made a false point, and I think it is unfortunate for the Crown that point was made, in attacking the coroner, Mr. Ward.

Now, gentlemen, just place yourselves for a moment in the position of Mr. Coroner Ward; and, to enable you the better so to do, just recollect what has passed in the course of this very trial. How many questions have been put by my learned friends, and I do not like to say how many by myself, how many by us all have been put, on account of which it has been found necessary for the opposing counsel to interpose, and to ask the learned Judges whether the question is a proper one or not. The truth is, our rules are strict, but they are found most beneficial, and they exclude from the minds of the jury that sort of loose and general information which is the mere result, particularly in country towns, of pothouse talk and market gossip, instead of being evidence of actual facts, seen by the eyes and deposited to on the oath of the witnesses. Just look at the position of Mr. Coroner Ward, at the Talbot Arms, in a large room just under the bedroom in which poor Cook died; a crowd of excited villagers and people in the room, all full of suspicions incited by the inquiries instituted by the Prince of Wales Insurance Office and Inspectors Field and Simpson, and all impressed with the idea that whatever the doctor that has come from London, that whatever Dr. Alfred Swayne Taylor says must be true; if he says it is poison, poison it is. The whole town is in a sort of uproar of alarm and excitement. Jurymen (who, like you, have never been in the habit of attending frequently the administration of justice under the control of the learned Judges) think that any question that occurs to them is to be put. "Did you not hear so and so? Did not somebody tell you that somebody had said such and such thing?" I mention that just to show the difference between the mode in which we proceed, and the course adopted in other countries. There was a celebrated trial, which took place many years ago, in which I remember I took a great interest, of the trial of the ministers of King Charles the Tenth. Upon that occasion a witness was called to prove that he had read all the pamphlets which had been published on the subject, and he came to state what the result of those pamphlets was in his mind. It is true that was at a revolutionary time, but it shows to what an extent the introduction of a loose system of questioning would lead. I do not say that Dr. Taylor would have wished to put any questions which would not be right questions to put, but it would be so fashioned by the coroner as to assume the legal and regular form, though perhaps it was not the exact question or in the exact words which were originally used. He was accompanied by a gentleman who holds a high reputation as a conveyancer, but we know how very little these gentlemen pay attention to the mode of examining witnesses. The poor coroner, who I understand is a good lawyer and a most respectable man,—

*The Attorney-General.*—You must not say that.

*Mr. Serjeant Shee.*—I am aware you have said the contrary. It comes to nothing either way. We had him attacked; and, not knowing him myself, perhaps I ought not to speak as to his respectability personally. But, you know, it is odd if coroners are not on the whole respectable. They are not appointed at random; they are generally professional men, frequently lawyers—in fact, generally lawyers; and, from my instructions. I understood he was a person competent to conduct such an inquiry as this; but Dr. Taylor was asked by the Attorney-General, "Why did you not say so and so to the coroner?" and the answer was, he did not put questions which enabled him to form an opinion; but I think it arose rather from a want of knowledge than intention. Of course it would not be likely that the coroner could know the questions that would be important for Dr. Taylor to have put; but when they were suggested, it does not appear that he did not put them. He was quite right in not putting questions merely to gratify an inquisitive jurymen, which was not a legal question or a proper question. While we do our best to avoid falling into errors of that kind, we are constantly coming, and very deservedly so, under the rebuke of the learned Judges, and told to remember the rules—"you know better, or you ought to know better, than to be putting questions not properly legal." Those are not the words exactly, but that is the effect of them. They complain that that may account for certain discrepancies in her evidence before the coroner; her evidence before you, I say, makes her evidence such that you cannot rely upon her testimony—that it is impossible you should. Now, observe that since the first time that she gave her evidence she has had the means of knowing what the case of the Crown is. She has had the means of knowing—I do not mean to say she has been tutored by the Crown—it would be a gross



injustice to say so; and I know if my learned friend thought that had been done, he would not have called her—or by any of the gentlemen who act for the Crown; but since she was examined at Rugeley, she has had the means of knowing, by interviews she has had with different people, that the case of the Crown is, that Palmer, having first prepared the body of Cook for deadly poison by the poison of antimony, afterwards despatched him with the deadly poison of strychnia. She has learned that their case is, that there was an administration of something which did eventually kill him, that is, antimony, but which had the effect of producing retching, and nausea, and irritation of the stomach, which is attributed, according to the hypothesis of the Crown, to the deliberate, persevering intention of the prisoner at the bar to reduce him bit by bit—making him reject everything off his stomach, so that when once the ingestion of the poison occurred he was certainly dead; that is the case. In her first evidence before the coroner she was asked whether she had tasted the broth; and she said that she had tasted the broth, and thought it very good; she did not say a single word about any ill effects that broth had produced upon her—not a single word. She has since learned it is part of the case for the Crown, or of those out of whose hands the Crown has taken this prosecution—in fact, the theory of Dr. Taylor—that all this retching and vomiting was the result of a constant dosing with antimonial poison, in order to prepare him for an utter inability to resist the fatal dose of strychnia which it was intended to give him. Accordingly, when she is examined here, fitting her evidence to the case, and probably after having been asked many times whether she had not been sick on some Sunday or another, she has persuaded herself, if she has not been persuaded—I do not wish to use the word suborned—that her sickness on some Sunday afternoon took place on the Sunday afternoon that broth was sent, and was caused by her having taken two spoonfuls of it. She did not say so in the first instance before the coroner, but that “she tasted it, and it was very good.” I ask you to consider for a moment whether it is not to the last degree improbable that a man like Palmer—a shrewd, intelligent, clever man—would expose himself to such a chance of detection as the sending of poisoned broth made at the Albion to the Talbot Arms, at the imminent risk of its finding its way to the kitchen, where, sure as fate, the cook would taste it. Can you conceive a cook not tasting broth made by another cook, and sent over as particularly good? I submit to you it was such a risk as no man in his senses could by any possibility run. A cook is, in the nature of the thing, a taster; she tastes everything; she does not know, of course, if it be her own making, whether it is good until she tastes it; she gets the habit of tasting: and as sure as Palmer sent the broth to the Talbot Arms, and any part of it reached the kitchen, so sure, if it contained antimony, would the cook be ill. Is it credible? I submit to you, it is not credible; and when you find she did not say a word about it in the first instance, and that an ample opportunity was afforded for her, so to do in the way I have described, I submit you cannot rely upon her evidence here, as it differs with her evidence before the coroner. Again, she said that on the Saturday Cook had coffee for breakfast about eight o'clock. “He ate nothing, but he vomited directly he had swallowed it. Up to the time I had given him the coffee I had not seen Palmer.” When she gave that evidence she was not aware it was part of the theory of the Crown that the traces of antimony (which Dr. Taylor says *might* have killed him) were to be made to fit into the theory of the strychnia poison—that it was a gradual preparation, by vomiting, for strychnia. That chart of the country over which she was to travel had not been laid before her. She did not then know what at the time she came here she did know—that it was part of the case for the Crown.

The Attorney-General opened the case in that way distinctly, that that was the theory for the Crown; “that Palmer had ordered some coffee for Cook on the Saturday morning; it was brought up by the chambermaid, Elizabeth Mills, and given to Cook by Palmer, who had an opportunity of tampering with it before giving it to Cook.” That was the statement which the Attorney-General was instructed to make. There is all the difference between her first statement, that up to the time she had given the coffee to Cook she had not seen Palmer, and the statement that she gave the coffee to Palmer for Cook, and that Palmer had an opportunity of tampering with it. The young woman would not go so far as that, but she went to this extent: “Palmer came over at 8 o'clock—ordered a cup of coffee for Cook—I gave it to Cook—I believe Palmer was in the bed-room—I put it into Mr. Cook's hands but I did not see him drink it—I observed afterwards the coffee had been vomited.” The statement thus made by her before you was not so strong as that of the Attorney-General, but, on the other hand, it was a great deal stronger than the statement she made before the Coroner, because according to her story then Palmer had not an opportunity of dealing with it—she “did not see Palmer up to the time she had given him the coffee.” From the statement which she made here you might suppose that Palmer, if he had chosen, might have got the coffee from Cook—but that is in the last degree improbable—and have done what he wanted to do with it; for she says,

"Palmer came over at 8 o'clock and ordered a cup of coffee, and that when it was made she took the coffee up into the bed-room and gave it into Cook's hands (she believed Palmer was there), but she did not see him drink it, and afterwards she observed the coffee had been vomited." These two statements, the one before the Coroner and the other before you, are essentially different, and the difference between them consists in this: that the last one supports the theory now set up on the part of the Crown, while the first one is totally inconsistent with it. Can you rely on a woman who has altered her testimony to such an extent? But that is not all; the ease for the Crown is, that Cook was reluctant to take the pills which were given to him, and that he expressed a reluctance which Palmer of his own head overruled, and that Palmer knew that Cook was angry with him, or at all events displeased with him, for forcing him to take the pills. In the first statement of Elizabeth Mills before the Coroner she said Cook said it was "the pills that made him ill, and that he had taken the pills about half-past 10." When she came here she swore that Cook said "*the pills which Palmer gave him at half-past 10 made him ill*," thereby, you see, fixing the fact that Palmer gave him the pills, and fixing the time at which Palmer gave them to him, she having had an opportunity of learning that the later the pills were given the more favourable it would be to the suspicion that death had been occasioned by this poison. Before the Coroner she did not say that Palmer was in Cook's bedroom between 9 and 10 o'clock on the Monday night, but she did when she was here. You will see that makes him more about the bedside of Cook, having more opportunity of dealing with the pills. By these variances from her first statement she shows the animus which now, for some reason or other, actuates her. Perhaps it has been the result of the persuasion that Palmer was the murderer of Mr. Cook, as Dr. Alfred Swayne Taylor swore he is, and of her horror of so great a crime; that gives it the just charitable construction; still, I say, she is not to be relied upon. But how very easily persons in that condition of life, not intending it probably in the first instance, make a mistake, and how well we know it to be the misfortune, or probably the punishment, of all falsehood, when once told it is next to impossible to retract it! Once tell a lie and you cannot, without great humiliation and loss of character, draw back; once commit yourself to falsehood and you are false for ever, or dishonoured. When a young woman has been induced to vary her statement in a material particular, knowing she is wanted for an important object, the pursuit of strongly suspected guilt with the extreme rigour of the law, and that scientific persons believed the prisoner to be guilty and were anxious to bring his guilt home to him, she may have feared to incur their displeasure, and having once told a falsehood lacked the moral courage to set herself right. I have mentioned the particulars in which her statements vary, but these are nothing to the important particulars to which I will now call your attention. I impeach her testimony on the ground that she adopted here a manner and a gesticulation in describing the symptoms under which Cook laboured which, if true, would have exhibited itself at the inquest, and would have at once attracted the attention of Dr. Taylor. The contortions into which she put her hands, and her neck, and her mouth, before you, could not by any possibility have escaped the attention of Dr. Taylor. If anything like it took place there it would have been observed by him, and questions would have been put to reduce, so to speak, those gesticulations into verbal expressions, that they might be recorded in the depositions. But that is not all. I am told, and you will have an opportunity of hearing it from Mr. Nunneley, Dr. Letheby, Dr. Robinson, and other eminent medical men, that the description of the symptoms which she described to you is inconsistent with any known disease—that they were grouped by her in a manner so extraordinary as to be quite inconsistent with strychnia tetanus.

Let me call your attention to this part of the evidence. You are aware that in the months of February (the last week of February) and March, a very frightful case of strychnia occurred at Leeds. It was a case in which a person, having constant access to the bedside of the patient, was supposed to have administered repeated small doses of strychnia so as not at once to strike her down, but gradually to destroy her; and that after having kept her in a state of irritation for a lengthened period, at last consummated the work and killed her. That was the case. It appeared in all the newspapers. The nurse who attended the patient and the medical gentlemen spoke of symptoms which she exhibited from the 24th or 25th of February to the 1st of March, and they described it in this way:—She had "prickings" and "twitchings" in the legs, coming on without any violent paroxysms or spasms, and was alarmed at the thought even of being touched by anybody in the intervals of the spasms which occurred from time to time. Now let me call your attention to the evidence before you of Elizabeth Mills. She says, "He said, '*I cannot lie down*;' his body and neck were moving and jerking; he would throw himself up, jumping and jerking all over his body all the time; he asked me to rub his hands; I noticed him to 'twitch' while I was rubbing his hands." (*The*



*learned Serjeant read a portion of the evidence.*) Now I submit to you that some of these expressious, particularly the twitching, are very remarkable; and it may well have been that, this ease coming before the public and exciting no little degree of attention, although not to the same extent as these Rugeley cases, persons who had been in the habit of going to see her and conversing with her may have been asking her questions about this case, of which she admitted she had heard, "Did you observe in Cook any such symptoms as these?" her attention being called to them in such a way as to induce her to alter the statement made by her at the inquest. You cannot indeed account, as I submit to you, for so remarkable a difference between the first and second statements, without supposing something of that kind. Now, is it improbable that that did take place? From the time she left the Talbot Arms till she came here, she seems to have been a person of very remarkable importance. She went to Dolly's, and Mr. Stevens visited her six or seven times. Why did he visit her? What for? Mr. Stevens is unquestionably—and if under proper self-restraint, no one can blame him for it—very indignant at what he fears to have been the foul play of Palmer with Cook. He is not in the same condition of life as Elizabeth Mills. Why should he have gone to visit her six or seven times, conversing with her in a private room? She says, "He only came to see whether I liked the place; he called to inquire after my health." Gardiner also, his attorney, saw her once, but only asked her how she was, and they talked about other things. She said she gave the last authentic account of her evidence to a man she did not know—whom she had never seen before; and when I found out, after much questioning, that Mr. Stevens was with him, and asked her why she had not told me so, her answer was, "Because you never asked me." That raised a laugh, and she enjoyed her triumph. All this looks like having been tutored. I do not say that it was done with a deliberate intention of making her say what was false, but it was done with the deliberate intention of trying if they could not stimulate her memory to recollect a new version of the facts. They had a right to go there and take her evidence, but that was all. Instead of that, Mr. Hatton, the police officer, had been there a few times; several other persons whose names were not mentioned had been there, but Mr. Stevens had been there a number of times. I submit to you therefore, on this part of the case, that you cannot rely on what she has been stating. You will remember also certain questions which I put to her, and which were not answered quite as they should have been. There is a great difference between the weight given to the evidence of a woman of good character and a woman of another kind; and it is right to ascertain what the mode of life of a witness is. I do not very much blame a person who sees the drift of such questions for being on her guard; but when she told me that since she left the Talbot Arms she had been staying with friends, and I asked her who they were, she told me, "Friends are friends;" and was very reluctant to tell me anything about them. I put it to you that you cannot, with any degree of satisfaction, rely on the evidence of the young woman; and you will learn that the confusion and the variety of the symptoms she has put together, taking them partly from her depositions and partly from this new version, have made the case which she described not only not a case of tetanus, but not of any known disease.

Before I leave this part of the evidence, I wish to make one or two observations on minor features in it, which perhaps may not be altogether unworthy of your attention. I want to show you how various in minor matters may be the testimony of persons who do not mean to state what is false. She stated that Mr. Palmer was sent for, and said on coming into the room, "I do not think I ever dressed so fast in my life;" and this it was suggested showed he had never been to bed, but was waiting up for the commencement of the paroxysms. Now, Elizabeth Mills, on her cross-examination, after a deal of pressing on my part, said he came in a plaid dressing-gown, and she could not recollect anything that had the appearance of a day-shirt about his neck, or any appearance of his having remained out of bed. On the other hand, there was a young woman, Lavinia Barnes, who says that she is positive that he came dressed in a black coat. They get talking about it, and they fancy after a time that what they have said themselves, or what other people have said, is the truth; the real original image in the minds of the parties gets confused, perhaps altogether obliterated, and they come at last to tell you a story very different from the thing they originally saw. I will merely add that Miss Mills was examined three times before the coroner, and if there was anything incorrect in the manner in which he conducted himself, the Crown ought to have had him here to explain it. And on an occasion of this sort it is right, I think, that he should have an opportunity of defending himself. They could have called him, and examined and cross-examined him, just as if he had been an adverse witness; but to disparage the manner in which his official duties have been discharged by the evidence of a person like Elizabeth Mills, is a course which it seems to me ought not to have been pursued. Now,

on this part of the case, I have this observation to make; the illness of the Sunday night appears to have been a very remarkable occurrence. It came out in the course of the examination, as a fact spoken to by himself, and it will be for you to judge, after you have heard the evidence of the medical gentlemen, whether the periodicity of the attacks does not militate against the theory of death by strychnia poison. The illness of Cook takes place three nights running, exactly at the same time, or if not exactly at the same time, very nearly. I find that is a symptom of very frequent occurrence, that about the same hour of the night, or of the week, or of the month, and very often after the patient has got to bed, the thing occurs. It is about the same hour in this case of Mr. Cook's.

On this part of the case, the question whether the symptoms were such as are consistent with the theory of strychnia poison, and inconsistent with the theory of death from other and natural causes, I have only now further to state what I intend to prove. I will not go through in detail what will be better stated by the gentlemen who will be called; but I shall call a number of most respectable physicians, surgeons, and general practitioners, having extensive experience in our large cities, who all support the view I have to submit to you, and which they have suggested to me as the probable one—that these fits of Mr. Cook were not tetanus, but violent convulsions, the result of the weak habit of his body, which had been increased by his mode of life, by at least a sufficient amount of disease to render violent mineral poisons in his opinion, and in the opinion of those he consulted, necessary medicines, which would lead to ulceration of the tonsils, difficulty in swallowing, and a state of things which, according to Dr. Savage, would have continued for a considerable time, if he had not had influence enough to stay it, by inducing Cook to abandon the course of physic which he had been taking. Through the whole course of that time his constitution would be affected. I will show you that such fits have frequently occurred under strong mental excitement, brought on by various causes, such as excess in eating and drinking, attacks of gout or dyspepsia, retching and vomiting, violent mental emotions of any kind, the patient being thrown into convulsions of the voluntary muscles, exhibiting tetanic or tetaniform contortions, in the midst of which he dies asphyxiated or exhausted, his body after death exhibiting no traces whatever of the disease. In addition to that, I will call many gentlemen before you who will speak to their experiments on animals, and who will be ready, if my Lord thinks it right, to show you the experiments, that you may judge for yourselves. They will speak also to the mode of detecting in bodies the most putrescent the presence of strychnia. Agreeing with Orfila, the highest authority on this branch of science, they say they can find it, and be sure of it—if it has been administered, and been the cause of death—in the dead body for months after life became extinct. Having now done with this part of the case, I will proceed to the last matter to which I propose to call your attention.

I propose now to discuss the question whether the circumstantial evidence against Palmer be such as to be inexplicable on the supposition of his innocence, and if I show you on the broad and salient features of the evidence that it is not (you will not expect me to go into the more minute details), and I have succeeded in satisfying you on any considerable portion of the points to which I have directed your attention, and if the evidence comes up to what I have been instructed to say it will, you will be too happy, recollecting that you are the country in the language of the law—that the country out of doors, in a case of crime, of life and death, is uninformed, without the opportunity of hearing the witnesses examined or cross-examined on their oaths—you are to decide between the Crown and the Queen's subject—

Lord CAMPBELL.—In the language of the law it is, “which country you are.”

Mr. *Serjeant Shee*.—Just so, my Lord. The prisoner puts himself upon the country, “which country you are,” and for it responsible before the world. Every word of this evidence will be carried to all the ends and corners of the earth, and it will remain to be seen whether this great country of England, in a paroxysm or convulsion of prejudice, created by the rashness of one scientific man who had no knowledge of his own about the matter, has made up its mind to sacrifice the life of a fellow-creature under circumstances which would expose any person who has ever been present at deathbed convulsions liable to the same charge.

I say the circumstantial evidence in this case is not such as to justify you in coming to a conclusion of the guilt of the prisoner. I will endeavour in this part of the discussion to address myself to those portions of the case which seem at the first blush of them, and on judicial consideration of them, to require notice. I will not avoid anything that is difficult or that may seem to you difficult, so that when I sit down you will see that I have discussed this great argument fully and fairly in every branch of it, and ask yourselves what ground is there for any verdict but a verdict of “Not Guilty”? I will



avoid nothing, and proceed at once to one of the most salient points. I will pass over, after an intimation that was made from the Bench, the point about pushing the man at the inquest, or the accident of a slit in the covering of the jar, which, sharp instruments being used by the operators, may easily have occurred, or the putting it in a further corner of the room, from which there was no possibility of its being removed. I do not believe that any such circumstances as these would induce you to come to a conclusion against the prisoner.

Lord CAMPBELL.—No member of the Court, I think, has intimated any opinion as to the other portions of the case; merely as to the pushing.

Mr. *Serjeant Shee*.—I do not wish to suggest anything which is not strictly correct, and perhaps I ought not to use what was intimated from the Bench in any way, but rather submit, where everybody perfectly well knew Palmer, any little apparent shove, so to speak, during the course of the post-mortem, is not to be taken as an evidence of guilt. It was in leaning over, if at all, to observe an examination of considerable interest to all persons present, and I cannot conceive that anything of this kind can be taken into consideration. No serious complaint was made at the time. Mr. Devonshire said nothing was lost by it. He said also the jar was removed to a corner of the room. It was not removed out of sight. It was in the broad daylight. It was impossible it could be taken away without observation. It would be absurd that Palmer should be suspected of having done so with an improper object. This we know, that he was very reluctant to have the jar removed out of the possession of those on whom he could rely—that is very true. There were some persons who did not want to pay him 13,000*l*. There were some persons who had been doing all they could to undermine his character for a very considerable time, imputing to him the most wicked conduct respecting a near relation, which none of his own relations ever joined in, knowing that there were many persons at Rugeley much prejudiced against him, and it was in his judgment of the last importance that anything which could be brought against him (and it was clear that this post-mortem, from the conduct of Stevens, was intended to found a charge against him) should be kept in unsuspected custody, and that nobody should have an opportunity of tampering with it and its contents. When told that Dr. Harland is coming to make the post-mortem, he says, "I am glad of that, for there is no knowing who might have done it; and it is a satisfaction that you, whom I do know, are coming to superintend it." I say that was the conduct of a respectable man, who knows that his conduct would bear investigation if it were properly conducted. But we know also that in a town like Rugeley there were a great many serious people, who could not approve of his habits of life, to whom his running about to races would not much recommend him, and who he has reason to know would not very much regret any injury which might happen to him.

Is there any other part of his conduct connected with the post-mortem which requires explanation? When the jar was going to be sent to town, he objects to its going to Frere's. He had some reason for that. He had an assistant in his service who had been in the service of Frere. We know the jealousies that exist in country towns between professional men. We will not do Mr. Frere the injustice to suppose he would do so great a wrong to Palmer as might result from tampering with the contents of the jar; but still it was right to be cautious, and Palmer told Dr. Harland, "I want you to take it with you to Stafford, and not let it go to Frere's house." In these minor incidental matters his conduct appears to me perfectly consistent with innocence. Let me call your attention to this more important matter, on which my learned friend in his instructions was told to rely: and accordingly he did, in the discharge of his duty, rely upon it. I will call your attention to what has been stated by Myatt, the postboy. His evidence was pressed into the case; it could not well be excluded from it as an evidence of guilt. Now, what did it amount to? Before I have done, under the general head of Palmer's conduct, I will call your attention to what passed between him and Stevens. You will find the conduct and deportment of the latter were such as would make some men almost kick him; it was so very provoking, supposing Palmer was innocent. He dissembled with him—pretended to take his advice—cross-questioned him—changed his tone upon him—now speaking to him mildly, now in a voice of menace—threatened him with a post-mortem examination—and evidently did the whole thing hostilely to him, as if he thought something wrong had taken place, and it was his duty not only to protect the property, but to see any person who had been guilty of foul play towards Cook brought to condign punishment. Stevens, after poring over the remains of the dead man at the post-mortem examination, was ready to leave Rugeley, and a fly was ordered for him and his companion Mr. Boycott, in which they were to proceed with the jar to Stafford, and thence by rail to London. Now, if there were anybody base enough, either in support of a theory, in support of a reputation—God forbid that I should suggest that to the prejudice of Dr. Taylor!—if there were anybody capable of so great a wickedness

as tampering with the jar, it might easily be done; and he was anxious to have it kept by Dr. Harland and not committed to the custody of Stevens. His conduct to Palmer had been vexatious and annoying in the last degree; the fly was being got ready after Palmer, we may suppose, had dined; and meeting the postboy Myatt, he asked him, according to Myatt, whether he was going to drive Mr. Stevens to Stafford. "I told him," said Myatt, "I was. He asked me if I would upset them?" Now the word "them" was first used in this court to designate the jars. There was only one jar at that time, so it could not be meant to apply to the jars; if used at all, which I think very doubtful for the reason I tell you—at least in a bad sense—it must have been applied to Mr. Stevens and his companion. And now just see if the facts in this case which are undoubted do not give a reasonable colour to that. Palmer (though I will show you his conduct to Stevens was exemplary in every respect, by putting the dialogue between them before you without making any comment on it) must have felt outraged beyond all expression if—knowing himself to be innocent, that he had acted as a friend and brother to Cook, and had called his relations about him when he was ill—he found himself suspected of stealing a trumpery betting-book, which he knew was of no use to any one, and charged of playing falsely and foully with the life of Cook. He had great cause to be vexed and irritated with Stevens, and that he was so is plain from what he said to Dr. Harland: "There was a queer old fellow," he said, "who has been down making inquiries, who seemed to be suspicious of my having stolen the betting-book, which everybody knows can be of no earthly use to anybody." It shows that his mind was impressed with the idea that he was wronged. He may be supposed, communing with himself, to say, "He has ill-treated me; he has encouraged suspicions which have been excited against me already, and which, if he persists in his course of bringing another charge against me in this matter, will probably render it impossible to get the money from the Insurance Company in time to rescue me from a position which may involve in ruin myself and some members of my family." That was evidently the tendency of what Stevens was about. He meets this postboy and asks him if he is to be ready to drive the fly to Stafford; the boy says, "Yes, I am." He said, "if I would upset them, there was a 10/-note for me." He has been asked, "Had anything been said about the jars?" I submit to you the true construction of the story, if it occurred at all, is, that being under a feeling of irritation against Stevens, and using strong expressions with regard to Stevens, hearing he was going to Stafford, he said, "I should not mind giving 10/- to upset him." He had been vexed at his conduct, and irritated by the perpetual suspicions and inquisitiveness which he had displayed, even when he went up with him like a friend to show him the corpse, uncovering it down to the thighs. Some previous suspicion must have existed in Stevens's mind; but Palmer had no suspicion of this thought that he was guilty of so foul a crime as that which was imputed to him. If that evidence be throughout true, it is only true in the milder and innocent sense, and I have this reason for saying so. This man was in the service of the landlord of the Talbot Arms, and was always about the yard; he was driving to and from the Talbot Arms every day of his life; he must have been there on the day of the post-mortem examination; he must have been a constant companion of the stable-boys and labourers about the yard; and his observation must have been drawn to a thing so striking and remarkable as a post-mortem examination on account of a suspicion of murder. He was not called before the coroner; and nobody knew, at the time the inquest was held, that he had ever said anything which could be fairly taken in a sense which would make it evidence of a guilty mind in Palmer. But if he had said that Palmer said "I should not mind giving a 10/-note to have him upset; it is a humbugging concern," and in that manner, and with the feeling I have stated, it would not have excited any observation or suspicion, and no one would have summoned Myatt to the inquest. I submit that is the true version of this story. It is not to be supposed that a medical man, knowing that he had given a large dose of strychnia, would suppose that, by the accidental spilling of a jar, the liver and spleen and some of the tissues continuing untouched, he could have escaped the detection of his guilt.

Next I shall call your attention to the evidence of Charles Newton; he is a person who has sworn before you that he saw Palmer at Mr. Salt's surgery at 9 o'clock on the Monday night, and that Palmer asked for three grains of strychnia; that he weighed it, and gave it to him in a piece of paper; that is the first part of what he swore before you and my Lords. Now I should tell you how this case has been conducted. As soon as my learned friend the Attorney-General, as counsel for the Crown, was made acquainted with the illness of my learned friend Mr. Serjeant Wilkins, with his inability to conduct the defence (and that I was to supply his place), he desired that every scrap of evidence against the prisoner should be forwarded to me, and to my learned friends near me; and accordingly, as soon as he received this evidence of Newton, he forwarded it to me, and



I received it on the day this court met. I believe it was sent to me late on the previous night, but I did not see it until the morning you were sworn; so that this witness Newton did not bring this matter that was in his knowledge of the fact of the purchase by Palmer at Mr. Salt's surgery at 9 o'clock on the Monday night of three grains of strychnia—he did not bring that to the knowledge of the Crown until the night before this trial commenced. Now he had been examined at the inquest, and he did not tell before the coroner the rest of the story which he told when he was examined here. (*The learned Serjeant read the examination of Charles Newton.*) He did not tell that to the coroner. All he told the coroner was, that he was present when Palmer bought some strychnia of Roberts on the Tuesday night in the shop of Mr. Hawkins; he did not speak to the purchase of the strychnia on the Monday night; he knew that he was called to corroborate a statement which Roberts had made as to the presence of Palmer at the shop, and the purchasing of the strychnia on the Tuesday, yet he never said one word at that time either of the fact of Palmer having bought strychnia of him on the Monday night or of his having asked him what appearances, if a dog were killed by strychnine, would be exhibited on its post-mortem examination. A man who so conducts himself is utterly unworthy of credit. There is one honest, laudable motive in a court of justice, and that is to assist in the administration of the criminal law of the land. If any man had the least hesitation when in court, or to come into court and take the oath to depose to what he knew were the facts, we should not be safe against crime for a moment. But you cannot justify the fact of swearing away another man's life, except under a sense of duty, and for that object; and if a man, knowing that he is to be sworn touching so grave a subject as that of murder, the first time he takes the oath omits a considerable portion of what he knows, and three weeks afterwards tells another portion, and at a further interval comes forward and tells more—enough, in his opinion, to drive the guilt home to the man who is accused—the witness, I say, who conducts himself in that manner ought not to be believed. The prisoner who is convicted upon the evidence of such a man as that is sacrificed by a jury. But there are other circumstances in that statement which render it in the last degree improbable. That Palmer should, once in a week, purchase strychnia in the town of Rugeley, is not to be wondered at. Strychnia is sold for many purposes, to kill dogs and vermin, and Palmer, as you may recollect, had often occasion to complain of the dogs from the slipping of the foals and the galloping of the mares. In the course of the evidence in this case it has been mentioned that strychnia was purchased by Palmer twice within the week, when the first time he had bought quite enough, and more, for the purpose imputed to him. But that a person should go and buy strychnia twice in a week in a small country town, having bought enough for all purposes the first time—that he should go and buy more the next day at the shop of a rival tradesman, with whom he was on bad terms—is to the last degree improbable. Common sense revolts at it; nobody can or ought to be believed who makes any such statements. Again, observe he had been to London on the Monday. In London there is no difficulty for a medical man to get anything of the sort which he may require. He has only to write it down in the technical way, so as to give evidence of a medical education, and it is given to him at once, without a word. He had been to London; and again, if he could not get it there, he could get it at Stafford. Why should he get it at Rugeley? that is the last place that he would have gone to for it. It seems to me that it is equally impossible he ever could have bought it for such a purpose as the purpose attributed to him, and that he would have been, if really guilty, so unwary as to allow the paper in which the strychnia had been not to be found with the full quantity he had purchased in it; he would not have been such a fool as not to take care that the paper in which it was wrapped was full of strychnia before his house was searched, so as to make sure that it should be found that nothing should appear to have been used out of it, and that the exact quantity was in the paper. I submit, therefore, it cannot be believed—it is not credible.

I am now in a condition to satisfy you that Palmer was undoubtedly in town, and that he could not have been there at nine o'clock; that he was in London at a quarter past three o'clock, and that he could not have been there by nine o'clock—the hours at which the trains start rendered it impossible. The thing is false—downright false. It is impossible to have got to Rugeley before a quarter past ten, and we will account for what he did in a way that will entirely satisfy you. He attended the post-mortem examination, and it is credible that a skilful medical man, who had studied at the London hospitals, would have gone to that dolt Newton to ask him as to what would be the effects of strychnia on a dog's stomach? Is it credible that he should go to that stupid sort of fellow, who gave his evidence in that dogged, mulish, sullen manner, which often is indicative of something else besides the want of understanding, and that he would have gone and asked a chap like that, "What are the effects of strychnia?" and then, when he had been told, he would snap his fingers and say, "All right." It cannot be—it is impossible.

No one would believe it; and I submit to you confidently that unless there is much stronger evidence than that, it is evidence on which you cannot rely for a moment. To show the *animus* of this Newton against Palmer, I will remind you of what he stated. Palmer said "that you will find that he has taken a great deal of mercury; you will find this 'fellow' died from a diseased throat." When he is questioned about it mildly and quietly by my friend Mr. Grove as to what was the exact term used, he answers, "I do not know whether he said poor or rich;" just as if it could be a question of that kind. What we wanted to know was, whether he had spoken of the poor dead man in a pitying way, or whether he had spoken of him as a disreputable person, unworthy of all consideration. As to that part of the case I will say no more, and I will proceed to other matters, taking you back again to what occurred at Shrewsbury.

The case for the Crown is, that as early as the 14th of November, at Shrewsbury, the scheme—the plot—of poisoning commenced. That is the supposition of those from whom the case has been taken by the Crown. Now, it is suggested that on the night of Wednesday, the 14th, Palmer dosed this man, Cook, with something that he put into his brandy, and the witness Fisher told us that Cook told him so. If you remember the early part of my address to you, I read a few words at the end of a letter from Cook to Fisher, in which, after telling him it was of vast importance to him, as well as to Palmer, that 500*l.* should be paid to Mr. Pratt, he adds in postscript "I am better." These words must have referred to his illness at Shrewsbury. The letter relates to another matter, which is of great importance to him and to Palmer, and he does not seem to treat it as one having in his own mind a belief that Palmer had drugged him with poison for the purpose of destroying his health at Shrewsbury. Then again, on the evidence, what does Palmer say himself about what occurred at Shrewsbury? He says, when it is mentioned, "Cook says I have put something in his glass; I do not play such tricks with people:" taking it as if it had been never understood otherwise than as a loose expression of a man, perhaps not actually drunk—the evidence does not go to that extent—though I think you will be of opinion he was very nearly approaching to that condition. Palmer did not get to Shrewsbury on the Wednesday till after the dinner-hour at the Raven, and I do not think we have any distinct evidence how Cook passed that day at the Raven. But I shall be in a condition to prove that he went to the Unicorn, where Saunders was; that he came there pretty flush; that they heard of the vomiting and the sickness which Mrs. Brooks told us about. He was at the Unicorn with a lady and Saunders. Who the lady was I do not know, nor does it matter. There he drank for the benefit of mine host of the Unicorn as execrable brandy as it would be possible to get. Seven or eight glasses of brandy and water did that young man "knock down" during the evening. The result was, no doubt, that his inflamed syphilitic throat was in a dreadful state of actual ulceration and soreness. I could not help being a little amused by a version which I read some time ago of this portion of the Shrewsbury plot. I will read it to you:—"After indulging freely in the foreign wines of an English country town, 150 miles from London, the owner of Polestar took to brandy and water to restore his British solidity. Tossing off his glass, he complained that there was something in it, for it burned his throat. Perhaps those who have drunk strong brandy and water with similar haste may have experienced the same sensation; perhaps also, like Mr. Cook, they may have vomited afterwards. He bolted his brandy and water down at Palmer's challenge, and bolted it up again when it encountered the cold champagne. That night he was very drunk, and very sick and very ill. His dinner he cast up into a basin; his money he deposited with his friend Mr. Ishmael Fisher, a sporting wine-merchant, of Shoe-lane, Holborn. To this Mr. Ishmael Fisher the owner of Polestar gave 700*l.* to keep till next morning, expressing his belief, at the same time, that Palmer had dosed him for the sake of the money. If such had been Palmer's intention, would he have left Cook at such a moment? He neither followed him from the room when his stomach rebelled, nor did he go near him all that night. This neglect showed, indeed, how hollow was his friendship, but it proves his innocence; guilt would have been much more officious. Next morning Cook looked very ill, as men are apt to do after excessive vinous vomiting; but his drunken suspicions of Palmer had evaporated with the fumes of the brandy, and they were again friends and brother sportsmen."

I believe that is the true version of the matter, and that Cook believed it to be so. He breakfasted with Palmer the next morning; he was good friends with him the whole of the day, and went with him to Rugeley, and there remained on Palmer's invitation. In consequence of the letter which Pratt wrote on the 13th, and which Palmer got on the 14th, in which they both had an interest, Cook wrote to Pratt to say that somebody would call on him with 200*l.*, and he wrote to Fisher to tell Fisher to do so. Did anybody at that time believe that there was any intention to drug and poison this man? Does not the explanation that Mrs. Brookes gave which I must say was



exceedingly creditable to her, the readiness with which she stated to me that her husband did not approve of her attending races, that it was disagreeable to him; and the dignity, if I may say so, with which she answered the question put to her by my learned friend—"Are you intimate with Palmer?" by this other question, "What do you mean by intimate with him? I am friendly," seemed to me to entitle her to all due respect. And when she, being called for the Crown, tells you—"That night I heard in several directions of a great number of people who were purged and vomited; there was a general affection of the kind amongst strangers visiting Shrewsbury on that occasion"—I submit to you it was to the last degree improbable that anything of that kind occurred. About the tumbler which she saw in Palmer's hand I cannot suggest any reason because it is not in my instructions, but it might probably be accounted for in this way: When he came back from Rugeley and found all the people indisposed, he would naturally look at the water to see if there was anything to account for its unwholesomeness. Mrs. Brookes said, and that is the point to which I wish to call your attention, that he was in a passage under a chandelier; that the waiter pointed to him when he showed her up stairs; that he spoke to her while holding up the glass to the light, and said, "Wait a minute, and I will come to you." Nothing can be more natural than that; and I submit to you it is impossible to say that there is anything to justify a suspicion of poison in it. With regard to the money he gave to Fisher, I can suggest no other reason than that, just before being sick, he gave his money to Fisher, feeling that it was coming upon him, and that his stomach was revolting at the liberties he had taken with it. He had the good sense to place his money, when he was still very sick, in the hands of Fisher; and he afterwards went to bed. It may have been that he had been guilty of excess in eating and drinking, and it was necessary to send for the doctor, who, when he came, wished to send him an emetic. The young man knew so well what to do that he said, "Oh! I can make myself sick without an emetic; I will put my tooth-brush down my throat; I can be sick without your emetic." He took a pill when it was recommended to him and a black draught, and the moment he laid his head on his pillow he was perfectly free from any alarm, and he got up the next morning perfectly well. Gentlemen, that is really too ludicrous to be worthy of a moment's consideration. Now let us go to certain other matters, and more particularly to the conduct of the prisoner himself. I would just mention that there was a person there of the name of Myatt in the room at the time they say the brandy-and-water was drugged. Why was he not called? The others came in just before going to bed, but Myatt had been there the whole evening, and was not a mere accidental visitor in the room. You will hear his version so far as it is necessary. They have now got back to Rugeley, and then the history of the slow poisoning continues. Cook and Palmer go back together, and probably they talk all the way about Pratt and their difficulties, and the way of getting out of them, and of the small way that the winnings of Shrewsbury will go to effect the object. They both see ruin staring them in the face unless the Prince of Wales Office can be forced to pay the money due upon the policy of insurance, and they can remain free from all suspicion of insolvency or misconduct in the mean time. When they get to Rugeley, by sending up the 200*l.* to Pratt, they provide for the temporary difficulty. They are on friendly terms, Palmer making use of Cook's things, and probably both attaining their own objects, as it would appear that Palmer said directly Cook died that he had some interest in bills which were outstanding; and that might well have been, considering they were engaged in racing transactions; that they were joint owners of one horse; that they had the same trainer, betted for each other at races, and that they were confederates and friends on the turf, in that sort of relation to each other which gave them a joint interest in the same ventures. Cook sat at the table of Palmer on the 16th, and wrote up that night to Pratt. Cook goes to bed late on that evening, well enough, not so drunk as to prevent his asking the chambermaid to give him a longer candle, in order that he might read in bed. He seems to have had a little champagne, not so much as to have made him drunk, yet perhaps too much for a stomach weakened by the excess, if it was excess, at Shrewsbury, or by the vomiting which was occasioned by the illness there, and the hot water which he had taken. He gets up the next morning poorly; he eats nothing that day; ails enough for Mr. Bamford to be called in by Palmer, and Palmer is unremitting in his attention to him on that day and the Sunday following.

Now it is said that that very attentiveness is evidence of the prisoner's guilt. What, as my friend here (Mr. Grove) says, what is a man to do? Here is a young fellow's health in very considerable danger. Cook, having a joint interest in racing transactions with Palmer, thinks it convenient to stop at Rugeley, where he has no friend but Palmer. They are not flush of money, and Palmer has a house and an establishment on a moderate scale immediately opposite the inn in which Cook is staying. He is enabled to send such things over as can be got in a private house, not at hotel prices, but at a very trifling

expense. Living exactly opposite to the house of Palmer, Cook would have stayed in Palmer's house all day, no doubt, if he had been well enough. He was on a visit to Palmer, and he knew nobody there but Palmer. He was ailing; and as it is very dull for a man who has no intellectual pursuits to be alone all day when out of health, Palmer goes over and talks to him, and attends to him, and gets him what comforts he can. That is what a man would do to a friend; it is precisely what a man would do. If he had not done it, but merely attended to him at night when he was taken ill on the Monday night, without visiting him during the day, it might have been said that he was neglecting him, and only attended to him when he wanted to give him another dose of poison. That is the way the Crown would have put it then! He is laboriously attentive to him under circumstances which can well be accounted for by the reason that he had actually, if not a sincere friendship for him, at least a friendly kind of liking for him, and an interest with him on betting and racing transactions, and could supply him with several things from his house at little or no expense. If Cook had been well he would probably have had his meals at Palmer's house. He was ill, and Palmer sends Dr. Bamford to him. He saw him at 8 o'clock on Sunday morning and again at 6 or 7 o'clock. Cook told him his bowels had been moved twice or thrice. That is what he told to Dr. Bamford; it may have been known to Palmer that it was oftener, and that the truth was he was slightly suffering under some symptoms of diarrhœa, as he afterwards stated in the letter to Jones. It was Cook himself who told Dr. Bamford about his bowels having been moved; and on the same day Palmer wrote a letter to Jones, intending to bring Jones there, he being about to go to London, and stated, "Cook had been suffering from diarrhœa." It was at Shrewsbury, where everybody else had diarrhœa: he took the pill and black draught, and their effects continued, probably, to some extent when he was at Rugeley. It is absurd to pretend that the suggestion of diarrhœa could have any sinister object, as Jones must have ascertained the truth as soon as he arrived at Rugeley.

I now beg to call your attention to the next important fact in this case. It seems to me to be, though I touch upon it briefly here, one of the very last importance, and one which ought to decide it in the prisoner's favour. The supposition of the Crown is, that Palmer intended to dose Cook with antimony to keep his stomach in a perpetual state of vomiting, in order the more easily to despatch him by strychnia; that he began the plot on the Wednesday at Shrewsbury and continued it at Rugeley, and that during the Sunday Cook was under the influence of that treatment: Sunday was the day Palmer attempted, as was said, to force the broth upon him. Now, being bent, as it is supposed, upon destroying Cook, there is one man in the world who would be the very last witness he would select as a witness of his proceedings. He was a medical man, in the prime of life, intimately acquainted with Cook, living in the same house with him, much attached to him, at all events sufficiently attached to him to come to him as soon as he had heard that he had had an attack of diarrhœa—Mr. Jones of Lutterworth. Palmer, intending to go to London, and not wishing to leave Cook alone, wrote on the Sunday to Mr. Jones, telling him that Cook was then ill with the diarrhœa, a statement which is not altogether inconsistent with the evidence of Dr. Bamford and what Cook stated, and begs of him to come over. I beg of you to pause here for a moment in order to appreciate the full importance of this fact; the more you think of it, the more profound will be your conviction that it affords evidence irrefragable of Palmer's innocence. The imputation upon Palmer is, that he intended to kill Cook to possess himself of his winnings. Who was with Cook when the race was won? Who was by his side on Shrewsbury race-course for the three minutes that he was speechless? Who saw him take out his betting-book and count his winnings? Who but Jones—Jones who was his bosom friend, his companion, his confidant, and who knew to the last farthing the amount of his gains? Jones was, of all men living, the most likely to be the recipient of Cook's confidence, and the man bound by every consideration of honour, friendship, and affection to protect him, to vindicate his cause, and to avenge his death. Yet this was the man for whom Palmer sent, that he might converse with Cook, receive his confidence, minister to him in his illness, and even sleep in the same room with him! How, if Palmer is the murderer they represent him, are you to account for his summoning Jones to the bed-side of the sick man? If Cook really suspected—as we are assured he did—that Palmer was poisoning him, Jones was the man to whom he would most willingly have unbosomed himself, and in whose faithful ear he would have most eagerly disburthened the perilous stuff that weighed upon his own brain. Jones, as well as Palmer, was a medical man, and it is not improbable that, in the course of his studies, the former may have noted in his class-book the very passages respecting the operation of strychnia which had attracted the attention of the latter. Is it conceivable that, if Palmer meant to slay Cook with poison in the dead of the night, he would have previously insured the presence in his victim's chamber of a medical witness, who would know from his frightful symptoms that the man



was not dying a natural death? He brings a medical man into the room, and makes him lie within a few inches of the sick man's bed, that he may be startled by his terrific shrieks, and gaze upon those agonizing convulsions which indicate the fatal potency of poison! Can you believe it? He might have despatched him by means that would have defied detection, for Cook was taking morphia medicinally, and a grain or two more would have silently thrown him into an eternal sleep; but instead of doing so, he sends to Lutterworth for Jones. You have been told that this was done to cover appearances. Done to cover appearances! No, no, no! You cannot believe it—it is not in human nature—it cannot be true—you cannot find him guilty—you dare not find him guilty on the supposition of its truth—the country will not stand by you if you believe it to be true—you will be impeached before the whole world if you say that it is true—I believe in my conscience that it is false, because, consistently with the laws that govern human nature, it cannot possibly be true.

Gentlemen, there are other facts to be adverted to before I sit down, to which it is necessary your attention should be drawn. There was a great stir at the hotel at Rugeley after Mr. Jones had returned from London with Mr. Stevens, the executor. Mr. Stevens arrives at the inn with Mr. Jones, has been in conversation all the way down with Mr. Jones, and has heard from Mr. Jones all that Mr. Jones knows, and does not appear to have had anything communicated to him by Mr. Jones which could justify any suspicion on his part. Mr. Jones, when they arrive at Rugeley, introduces him to Palmer, and Palmer at once takes him up to the room of the dead man, and uncovers the body down to the thighs, and Mr. Stevens looks at the corpse and sees there are no convulsions about the body except the clenching of the hands. He sees there is no emaciation, no signs as he thinks of illness, and, wondering within himself, he says, "how can you have died?" or something to that effect; "how grievous a thing it is that your young life should have passed away!" I think he said he did not look as if he were dead. After seeing the corpse they went down to dinner, and he asked Palmer to dine with him, and Mr. Jones, and Mr. Bradford, the husband of Mr. Cook's sister. He has not been called; he could have told us if there was anything suspicious in the conduct of Palmer, anything that could justify such conduct on the part of Mr. Stevens. They have their dinner, and when their dinner is over, see what takes place. It is important you should know it, because I think you will see from the way it occurred that the conduct of Palmer was the conduct of a man certainly apprehensive of any sort of vexatious inquiry which might involve him in pecuniary troubles, and was therefore anxious to conciliate Mr. Stevens, still comporting himself like one who could firmly and freely maintain his equality with Mr. Stevens unabashed, with a clear brow and the appearance of an innocent man. (*The learned Serjeant read a portion of the dialogue which took place between Mr. Stevens and Palmer.*) He said "with a spasmodic convulsion of the throat," which was perfectly apparent; he could not see his face, but there was a spasmodic convulsion of his throat. Who could believe such a testimony of guilt as that? He expects that Palmer is to be bound to look after everything of every kind that was in the hotel belonging to Cook, and because he could not find a trumpery book, which anybody might have taken away, thinking and probably having heard it was of very little use, which could not be of the slightest service in any way to Palmer for any purpose whatever, or to anybody, simply on that account, he is to indulge in this vexatious proceeding. The last time the book was seen was on the Monday. The last person who saw it was Elizabeth Mills, on the Monday, and on that day there were several people there with Cook—Saunders the trainer, and the jockeys; after his death the two servant-maids and the housekeeper, the three undertaker's men, the two women who laid Cook out, and some other persons; the barber who shaved him might have taken the book, and having taken it could not return it; for here again is the effect of dishonesty as well as falsehood. Once done, you cannot repair it; without admitting it you cannot set it right again. I throw imputation on nobody; I simply say, that as many people had access to the room, it is not fair, it is not right under the circumstances when a man is charged in such a case of momentous importance without any assignable reason for his purloining the betting-book, to fix it on him without any proof that he ever had it in his hands, when nothing like a proper search was made for it until some time after Cook's death. I asked whether the drawers were not full of linen and clothes, the answer was that they were. It was not seen immediately after the death, nor was there any search made for it, nor was it set aside and taken care of in the room, so that it could not have been removed by Palmer with a guilty intention of purloining it. Let us go on for a moment with this dialogue—(*The learned Serjeant then read a passage from the dialogue as detailed in the evidence*)—and at last, after goading and irritating the man for all this time, though Palmer was willing to make explanations and provoke inquiries into any thing or circumstance which if inquired into would at once have led to a discussion of matters in a fair and gentlemanlike manner, Stevens

snubs him by asking him whether he intends to be at the post-mortem; and at last, when he says "it is a matter of indifference to me," goads the poor man into saying, "so it is to me." That is the only word of irritation that Palmer—who kept his ground during the whole time and stood up to this man—that is the only word of irritation that he used. Mr. Stevens speaks to him in a very warm manner, yet Palmer manifests the composure of a gentleman, of a man of feeling and consideration to the father—as he called himself—but the stepfather of the young man, and that is to be turned into evidence of guilt.

There is another story made against him, that he was found searching in the pockets of Mr. Cook shortly after his death: it is the most absurd suggestion on their own showing. The facts were these. Mr. Jones, I think, told the servants to tell Palmer to come into the room. I think that was it—to tell Palmer to go into the room; and then I think Mr. Jones told another servant to follow him into the room. Elizabeth Mills is the witness to that. She says, "I went in and I saw him looking about seeing if there was anything in one of the coats, and he also looked under the bolster of the bed, just as a gentleman might be looking for a watch; and he went on doing so after I got into the room." It was quite clear she suspected nothing, and I submit it is not fair that any suspicion should attach to him on the subject.

One other circumstance there is on which reliance has been placed; and although it has been said great reliance is not intended to be placed upon it, I cannot tell what effect it will produce on your minds. I am sure that when those who have promoted this prosecution first undertook it, they intended to rely, as proof of damning guilt, on the manuscript extracts about strychnia in these medical books. I think it will be within your experience that in youth and early manhood the best protection that a man can have for his honour and integrity is the company and society of a wife whom he loves. If you find a man in early youth attached to a virtuous young woman, whom he loves with a sincere and heartfelt attachment, depend upon it he is of a gentle nature, and little prone to deeds of violence. They have put in these books to show that Palmer had a knowledge of strychnia poison, and they are the books which he used when a student attending lectures in London, as must have been known to his deceased wife. I find, in what I am in a condition to prove to be her own handwriting, proof positive that this was his student's book, and that he then and long after loved that young woman in the way in which it is God's will, under the sanction of His holy ordinance, young men should love their wives. His marriage was a marriage of affection; he loved her for herself and for her person; he loved her as ardently as he now loves her first-born, his only surviving child, a boy of seven years old, who waits with trembling anxiety for a sentence which will restore him to his father's arms, or drive that father to an ignominious death upon the scaffold. He loved her with a pure, generous affection. There is proof positive in this letter, copied in her handwriting into his note-book, that such a man was William Palmer when only a few years younger than he is now:—

"My dearest Annie,—I snatch a moment to write to your dear, dear little self. I need scarcely say the principal inducement I have to work is the desire of getting my studies finished, so as to be able to press your dear little form in my arms. With best, best love, believe me, dearest Annie, your own William."

Now this is not the sort of letter that is generally read in courts of justice. It was no part of my instructions to read it to you, but that book was put in to prove that this man was a wicked, heartless, savage desperado, and I show you from it what he was when that letter was written—what his deceased wife knew him to be when she copied it—a young man who loved a young woman for her own sake—loved her with a pure and virtuous affection, such an affection as would in almost all natures be a sure antidote against guilt.

Such, gentlemen, is the man whom it is my duty to defend. Upon the evidence which is before you I cannot believe him guilty. Do not suppose for a moment that he is abandoned in this dreadful strait by his family and friends. An aged mother, who may have disapproved of some parts of his conduct, expects in an agony of grief your verdict. A dear sister can scarcely sustain herself under the suspense which presses upon her. A gallant and devoted brother stands by him to defend him, sparing neither time nor labour to save him from an awful doom. I call upon you to expand your minds to a capacity for estimating the high duty that you have to perform. You have to stem the torrent of prejudice; you have to vindicate the honour and character of your country; you have with firmness and courage to do your duty, and find a verdict for the Crown, if you believe that guilt is proved; but if you have a doubt upon the point, depend upon it the time will come when the innocence of this man will be made apparent, and when you will deeply regret any want of due and calm consideration of the case which it will be my duty to lay before you.

*Adjourned till to-morrow at 10 o'clock.*



## EIGHTH DAY'S TRIAL.

MAY 22, 1856.

Lord CAMPBELL.—Before proceeding with this trial I must express a most earnest hope that until it is concluded the public journals will continue to abstain from any comments on the merits of the case or any part of the evidence. The propriety of this is so obvious as to require no explanation. I would say, at the suggestion of my learned brother Alderson, that this warning ought to extend as much to the insertion of letters as to editorial articles.

Mr. THOMAS NUNNELEY sworn.—Examined by Mr. Grove.

I believe you are a Fellow of the College of Surgeons and Professor of Surgery at the Leeds School of Medicine? Yes.—You are also a member, I believe, of several foreign and English scientific societies? Yes.—How long have you been in practice? Between 20 and 30 years.—Have you had a large practice? Yes.—Have you seen cases of tetanus in your experience, and of convulsions? Both traumatic and idiopathic.—How many cases of idiopathic tetanus have you seen in your own experience? Four.—Did they all commence with the symptoms of lock-jaw?—No. How many did not commence with that? One did not; nor did lock-jaw occur.

Lord CAMPBELL.—Not at all? Very slightly; it did not occur sufficiently to prevent swallowing during the whole period of his illness.

Mr. Grove.—You have been present during the evidence given here as to the symptoms of Mr. Cook? I have.—Had you previously read the portion of the depositions as to the scientific and medical part of the case? Yes, carefully.—Judging from the symptoms as described, and confining yourself to the evidence as to the scientific part of the case, what is your opinion as to the cause of death in Mr. Cook's case? He died from some convulsive disease.—On what do you found that? I found it upon the difference of the symptoms described in the deposition and on the evidence before the court.

Lord CAMPBELL.—This is not satisfactory; we cannot ask the witnesses what faith they give to the evidence of the witnesses as contrasted with the depositions. This witness's opinion ought to be founded on the *viva voce* evidence of the witnesses given during the trial.

Mr. Serjeant Shee—I should submit, my Lord, he may well be asked what his opinion was on the depositions in the first instance, and then what it was after he heard the evidence in this court.

Mr. BARON ALDERSON.—Why was he kept in court to hear the evidence?

Lord CAMPBELL.—As a matter of science he may be asked what his opinion is upon what he sees in these depositions, but you must ask it separately. I should have thought the more convenient course would be that you should ask his opinion on the *viva voce* evidence.

Mr. BARON ALDERSON.—You can only put the depositions in to contradict the witnesses where they are cross-examined, and I am not aware any of the depositions are in evidence except the evidence of Elizabeth Mills, Mr. Jones, and Mr. Bamford.

Mr. Serjeant Shee.—We do not ask him any opinion he may have formed on the whole of the depositions.

The Witness.—The depositions I have referred to are those of the witnesses examined here.

Mr. Grove.—As to the symptoms described in court?

Lord CAMPBELL.—On the symptoms described by the witnesses, what is your opinion? That it was some convulsive disease.

Mr. Grove.—Had the previous state of health of Mr. Cook anything to do with that opinion, or any effect on your judgment? Yes.

Mr. BARON ALDERSON.—This is a short mode of examining a medical man as to symptoms which he is to give his opinion upon, therefore it must be carefully protected. You are asking him as to what took place at Shrewsbury. What right has he to take that into consideration?

Mr. Grove.—State your own grounds, in your own way, for that opinion? If I take the evidence which has occurred in court—

Lord CAMPBELL.—The evidence of the symptoms of John Parsons Cook as stated by the witnesses? Not merely the symptoms, but the general state of health.

Lord CAMPBELL.—But we have nothing to do with that.

Mr. *Serjeant Shee*.—You have been present in court during the whole of this trial? I have.—You have heard the symptoms described by the witnesses of Mr. Cook's health previously to his final attacks at Rugeley, the description of the actual symptoms during the paroxysm of the fits which have been spoken to, and the appearances of the body on post-mortem examination? Yes.—Have you attended also to the evidence of Dr. Savage and other witnesses respecting the delicacy of his constitution?

The *Attorney-General*.—You are assuming that; no witness has said so.

Lord CAMPBELL.—I wish most earnestly and sincerely to assist you, brother Shee, but it seems to me the witness should give his opinion on the symptoms described, and then state what influence the other facts may have had on his mind.

The *Attorney-General*.—I do not object to my friend referring to any evidence, but he should not state what the evidence is, because on that we differ.

Mr. *Serjeant Shee*.—You have attended to the evidence in this case as to the general health of Mr. Cook, the statements made respecting the appearances of the body, the throat in particular, before and after death, and the general description of the condition of the body on the post-mortem examination? I have.—Do you remember the accounts that were given of what was said or supposed to be syphilitic sores?

The *Attorney-General*.—But there was no such thing said.

Mr. BARON ALDERSON.—Supposing a person had syphilitic sores, what would you say then? that is the way of putting it, but the other embodies his belief of the case. A medical man has no right to give us his opinion of the facts of the case, but what would be the real symptoms from a given disease.

Lord CAMPBELL.—We must take it that medical men are not to be substituted for the jury.

Mr. JUSTICE CRESSWELL.—If I were to suggest a mode of meeting the thing, it would be this,—let the gentleman describe what he assumes to be the state of the deceased's health at the time; then the *Attorney-General* may say he is not justified in so assuming.

Mr. *Serjeant Shee*.—Will you do that, having heard the evidence? I assume him to have been a man of very delicate constitution; that for a long period he felt himself to be ailing, for which he had been under medical treatment; that he had suffered from syphilis; that he had disease of the lungs, and that he had old-standing disease of the throat: he led an irregular life; he was subject to mental excitement and depression; that after death appearances were found in his body which show this to have been the case; there was found an unusual appearance within the stomach, the throat was in an unnatural condition, the back of the tongue showed similar indications; that the lungs were in an emphysematous condition, the air-cells dilated; that in the lining of the aorta, or large artery of the body, there was an unnatural deposit, and that there was a very unusual appearance in the membranes of the spinal marrow: these are the indications which are unnatural in the post-mortem examination: I should also state it is described by one of the witnesses that there was a loss of substance of the penis.

Lord CAMPBELL.—That is one of the elements of your opinion? Precisely, my Lord; that scar described in the penis could only have resulted from an ulcer.—Do you mean from a chancre? Yes; it may have proceeded from an ulcer: an ulcer is a chancre.

The *Attorney-General*.—An ulcer is not necessarily a chancre? No.

Mr. *Serjeant Shee*.—To what do you ascribe the symptoms you have referred to under the tongue? The symptoms on the root of the tongue and the throat I ascribe to syphilitic inflammation of the throat.—Supposing the symptoms which you have described, what would you infer as to the condition of that man's health and constitution at the time? That his health had not been good for long, and that his constitution was delicate: there is another ground; it was stated his father and mother both died young.

Lord CAMPBELL.—This is part of the foundation of your opinion? Yes; it was stated by Mr. Stevens that his father and mother had died young, and that the brother and sister were both delicate.

Mr. *Serjeant Shee*.—Supposing that to have been the state of health of Mr. Cook, would that state of health, in your opinion, or not, make him liable or subject to nervous irritation? I should think so.—In your judgment, as a medical man, would other causes besides physical causes, moral causes for instance, tend in persons in such a state of health and constitution to excite nervous irritation? Yes.—What description of moral or mental causes of irritation, in your judgment, might tend to bring on nervous irritation? Any excitement or depression.—Suppose a disordered state of the stomach



or of the bowels supervened, when he was in that condition, what effect do you think it would have? That would very much depend on the violence of it.—But if it was violent, to the extent of frequent and continuous vomiting for several days, what effect would that have on a state of mind and constitution such as you have supposed? It would produce a greater effect than in a healthy person: no peculiar effect.—Would any injurious effect be produced on a person in the state of mind and constitution which you have supposed by exposure to wet and cold? It would have a greater effect than on a healthy person: it would produce more serious illness; perhaps I had better give an explanation of my opinion.

Lord CAMPBELL.—Your opinion on what? On the condition of the constitution when a convulsive disease is more likely to supervene.

Mr. *Serjeant Shee*.—What would you infer from the fact, supposing it to have occurred, that three days before death he suddenly awoke in the middle of the night in a state of described madness for two or three minutes?

The *Attorney-General*.—"I was half mad for two or three minutes: I was awoke by a noise in the street."

Lord CAMPBELL.—Is your hypothesis that he was mad?

Mr. *Serjeant Shee*.—That he said he was mad.

Lord CAMPBELL.—You must put the whole of it.

The *Witness*.—I understand he had three attacks on succeeding nights, each occurring about the same hour.

Mr. *Serjeant Shee*.—Would you, as a medical man, draw any inference from that circumstance? Yes; that they were of a convulsive character, in the absence of other causes to account for it.—According to your personal experience and knowledge, as derived from the study of your profession, are convulsive effects very various in their forms and degrees of violence? As various as possible.—Is it possible always, with accuracy, to ascribe particular symptoms of convulsions to any one of the class of convulsions into which they are divided by medical authors? Certainly it is not possible to give a definite name to every convulsive attack.—Are there many forms of violent convulsions in which the patient retains his consciousness? Not a great many forms of convulsive disease; there are some.—Will you have the goodness to mention some of them? Hysteria.

Lord CAMPBELL.—Does that apply to the male sex? At times; it is far more common in females.

Mr. *Serjeant Shee*.—Are there any forms of convulsions, epileptic in their character, in which the patient retains his consciousness? It is so stated.

Lord CAMPBELL.—Have you met with any? No; not during a fit.—But it is during a state of fit we are inquiring? I have not.

Mr. *Baron Alderson*.—Not during your twenty or thirty years' practice? Not during epilepsy.

Mr. *Serjeant Shee*.—Do you know by your reading as a medical man that that thing really does sometimes occur? Yes; I was about to add that the degree of consciousness in epilepsy varies very much: in some attacks the consciousness is altogether lost.—Are convulsive attacks sometimes accompanied with violent spasms, and with rigidity of portions of the body? Yes.—Do convulsions, properly so called, originally assume something of the complexion of tetanic affection? They do.

Lord CAMPBELL.—Will you explain what you mean by "convulsions properly so called"? I understand from the learned serjeant's question what is ordinarily called a convulsive disease, either from infancy or from other causes; not exactly tetanus.

Mr. *Serjeant Shee*.—Have you read the passage from Dr. Copland's work, which I read yesterday to the Court? I have.—Do you agree in what Dr. Copland there states? I do.—When you say that convulsions sometimes assume a tetanic form from appearance, do you mean the convulsions of which he writes in that passage, or what convulsions do you mean? Convulsions arising from almost any cause, worms in children will produce it; affections of the brain in adults; hysteria; the giving of chloroform to some persons.—Is it consistent with your knowledge that adults are sometimes affected with such convulsions? It is; eating indigestible food will produce it.—Have you known instances in which it has arisen from retching and vomiting? No, I do not know that I have.—Do you agree with Dr. Copland as to these convulsions sometimes ending immediately in death? Yes.—Do you agree also with the manner in which he states that death occurs in these cases? when a man dies in one of the convulsions of which you have been speaking, what is the immediate proximate cause of his death? Frequently it will be asphyxia.

Lord CAMPBELL.—From suffocation, the action of the respiratory muscles being stopped? From the air not entering the lungs or from spasms of the heart.—You do not term that asphyxia? It will produce similar appearances.—You do not call that asphyxia? Perhaps not.—I ask you, do you call death from spasms of the heart asphyxia? It is often so described.

Mr. *Serjeant Shee*.—Do you agree with Dr. Copland that the convulsions of the character which you have described are sometimes recurring.

The *Attorney-General*.—You are constantly asking this gentleman whether he agrees with Dr. Copland; you should ask him what his view is on some particular point. You will not call Dr. Copland.

Mr. *Serjeant Shee*.—Why should I call him?

Lord CAMPBELL.—That kind of question cannot be supported.

The *Attorney-General*.—It is getting the opinion of a man without calling him.

Lord CAMPBELL.—It will be still more regular if you ask his own opinion.

The *Witness*.—I have seen convulsions recurring.

Mr. *Serjeant Shee*.—At what intervals have you known them to recur? Very various: sometimes in hours, in other cases days.—How soon have you known the patient suffering from a violent paroxysm of such convulsions as you have described, become easier? That is very various.—How soon have you seen it? It may be hours or minutes.—Would you draw any inference, as to the nature and character of a convulsion from the interval which elapsed between one convulsion and another? Yes.—What inference would you draw? It is dependent on some slight irritation in the brain or spinal cord.—Do you know whether, when death takes place in the paroxysm of such convulsions, it sometimes happens in post-mortem examinations there is no trace of disease in the body: does that sometimes happen? Yes; by that I suppose you mean organic disease.—Have you known at all or frequently in persons, not further advanced in years than the age of twenty-eight, granules between the *dura mater* and the *arachnoid*? They are not common to any age that I am aware of.—What inference would you consider yourself at liberty to draw from there appearing in post-mortem examinations between the *arachnoid* and *dura mater* of a man of twenty-eight years of age? I do not know any particular inference could be drawn from that particular appearance in any individual.—Would they lead you to any reasonable medical conjecture as to their cause and their effect? That is not a very easy question to answer; they might or might not.

Lord CAMPBELL.—Have you formed any opinion as to the cause of such things; say aye or no? No, my Lord.

Mr. *Serjeant Shee*.—Might they in your judgment produce any effect on the spinal cord? Yes, they might; there are preparations in museums where granules are found in the membranes of the spinal cord in which the patients are said to have died of tetanus.

The *Attorney-General*.—Never mind what is said.

Mr. *Serjeant Shee*.—Do you know whether granules have been part of the symptoms of tetaniform convulsions? I have just stated there are three preparations, and I have seen them myself.—Where have you seen them? In St. Thomas's Hospital museum.—In order to ascertain with satisfaction to yourself the nature and probable extent of injury of such granules, how soon after death would you think it desirable the spinal cord should be examined? Immediately.—Could any satisfactory medical judgment be formed from an examination made as long as two or three months after the death of the deceased? Not the most remote.

The *Attorney-General*.—Of their effect? Their effect on the spinal cord itself, more especially if the brain had been previously opened.

Mr. *Serjeant Shee*.—Independently of that appearance of granules between the *dura mater* and the *arachnoid*, in your opinion, at that distance of time, would it be possible to form any satisfactory judgment on the general healthiness of the spinal cord? Certainly not: if there had been a large tumour or some similar change, it might have been discovered; but neither softening nor induration of the minute structure of the cord could be detected; the minute nervous structure changes within two hours of death.—In order to ascertain the condition of that nervous structure, does the eye sometimes require the assistance of a lens or microscope? To ascertain the minute structure of it, it does.—Is that ever required when the examination takes place immediately after death? Yes.—Have you in the course of your experience had cases of traumatic tetanus? I have.—Do you agree in what has been stated, that that generally begins by an attack of



the jaw? Commonly it does.—Have you had any experience by personal observation of idiopathic tetanus? I have, four cases; one of them was my own child.—In those cases of idiopathic tetanus, with what symptoms did the disease commence? In three of them with lock-jaw, one not.—How did the fourth case of idiopathic tetanus commence? In the body; the power of swallowing easily was retained to the last.—Have you had any personal experience in cases which you have known, or now know to be cases of tetanus produced by strychnia? I have made a post-mortem examination of two persons who have died from the poison of strychnia within the last twelve months.—Had you seen the patients in either of these cases before death? I had not, I did it by order of the Coroner.—Was it by chemical analysis you ascertained the deaths had been caused by strychnia? In both.—Are you able to inform the Court how soon after the death of the person whose body you examined in both these cases your examination took place? I have my minutes here.—Take them separately; how soon after the death in the first case did the post-mortem examination take place? The one case was a recent one, forty-two hours after death, the other thirty hours.—Direct your attention to one of those cases at a time; was the body entire when the post-mortem examination took place; had it been opened? No.—Will you now describe the appearance of the body at that post-mortem examination? (*The witness produced a paper.*)

Lord CAMPBELL.—Is that the written statement you made to the Coroner? It is.

Mr. *Serjeant Shee*.—Then if you will read it, you can give his Lordship a copy (*the witness read his report on the case alluded to*): will you have the goodness now to tell us the appearances of the body in the second case which you referred to, where the examination was made thirty hours after death? I first saw the body about twelve hours after death.

The *Attorney-General*.—This is the second instance? Yes.—Was it a man or a woman? A woman in both instances, I believe I have the age down; in the former the age was twenty-eight; the second was a young woman somewhere near twenty years of age; there is no difficulty in mentioning the name of the second if you wish it (*the witness read his report*): I should mention, in addition, that there was fluid in the membranes of the spinal cord; it is entirely correct except that.

Lord CAMPBELL.—Is that what you gave in evidence before the Coroner? It is.

Mr. *Serjeant Shee*.—You have stated you have seen a person under the influence of strychnia poison? When taken accidentally in too large a dose.—Who was that person; what was her age? I have seen more than one case in my practice where persons have taken too large a dose.—Have any of those cases been fatal ones? No.—Had you the means of knowing what the dose was, and how soon after it was taken the strychnia paroxysms came on? About one sixth of a grain.—What was the sex of the patient? A man.—What age? Middle age.—How soon after the ingestion of the poison did the symptoms appear? A very few minutes.—In what form had it been given? Solution.—What were the symptoms? Want of power of controlling the muscles.—Where was the patient when attacked? Up, and walking about.—In what way did the want of power of controlling the muscles first manifest itself? By twitching and rigidity, with some cramp, more violent in the lungs than any part of the body.—Can you give us any notion by description of what the nature and degree of that rigidity and those twitchings were? They were not very violent; it was not a severe case.—How long did they continue? It was six hours before the spasms entirely disappeared.—During those six hours were they continuous in their character or intermittent? Intermittent.—At what intervals? Varied; as the effect passed off the intervals became longer; every two or three seconds at first.—Were they combated by medical treatment? No.—What quantity was taken? One-sixth of a grain; I had prescribed one-twelfth of a grain.—Will you describe the other case? The other case was very similar.—How much did you prescribe in the other case? One-twelfth of a grain.

Lord CAMPBELL.—And what quantity had the patient taken in the other case? About one-sixth of a grain.—He took double what you prescribed? Yes.

Mr. *Serjeant Shee*.—Are these all the cases in which you have had an opportunity of witnessing the effects of strychnia poison? On the human body.—Have you experimented extensively on animals with the strychnia poison? On upwards of sixty.—What animals were those? Dogs, cats, rats, mice, guinea-pigs, rabbits, frogs, and toads.—What has been the general character of the attack on those animals when under the influence of the strychnia poison? Great general resemblance in all animals; some are much more susceptible to its action than others, and bear a very much less dose.—How soon after the ingestion of the poison, generally speaking, has its action made its appearance by symptoms in the animal? From two minutes to thirty; more generally about five or six.—What has been the usual interval between ingestion and paroxysms, where the poison has not

been administered in a solution? The period of time I have named, about five minutes.—How did you administer it? Occasionally in solution, but more generally in the solid state.—In what form? Occasionally in solution; sometimes placed dry on the back part of the tongue, and some fluid poured down the throat; sometimes enclosed between two portions of meat, sometimes mixed up with butter or suet, and sometimes rolled in small pieces of the gut of an animal; it is given in the skin, putting the frog or toad into a solution of it, and I have also applied it direct to the spinal cord, and also to the brain.—What have been the first symptoms of the animal having come under the influence of the strychnia poison? A desire to be quite still.—What next? Hurried breathing.—And then? Slavering of the mouth when given at the mouth.—What then? Twitching of the ears, trembling of the muscles, and inability to walk, and convulsion of all the muscles of the body; the jaws generally being firmly closed during convulsions; then convulsions, followed by a total want of power in the muscles, which in the last attacks were thrown into violent spasms, with a galvanic-like shock running through them; this also occurs if the animal attempts to move.

Lord CAMPBELL.—Spasms come on? Spasms come on if the animal is either touched or attempts voluntarily to move; that is the usual course; occasionally the animal is able to move.—Without a recurrence of the spasms? Yes.

Mr. *Serjeant Shee*.—Do you wish to add anything to the description? No, except to say that these spasms occur at various periods; the animals die at various periods up to three and a half hours, which is the longest period at which I have known an animal die; in cases where animals live for any great length of time the violent convulsions occur at less frequent intervals: in every case before death the rigidity ceases, I do not know one exception, and the muscles are quite soft and powerless.

Lord CAMPBELL.—Flaccid? Flaccid, and the limbs may be put in any position whatever.

Mr. *Serjeant Shee*.—Being put in any position, does the *rigor mortis* come on quicker or slower than in ordinary cases? I think there is little difference; after all convulsive deaths I have observed the same where I have destroyed animals by hydrocyanic acid and chloroform.—With respect to the rigidity in comparison with strychnia poison, what has been the extent of the rigidity with the animals which were destroyed by other mineral poisons? I think there is very little difference; in the two women it was much less than usual.

Lord CAMPBELL.—Do you mean much less than common? Yes, in natural disease.

Mr. *Serjeant Shee*.—You mentioned some slight symptoms, a desire to be quiet, slavering at the mouth, twitching of the ears, which precede the violent convulsions? Yes.—Did they occur in the order you have stated, or did they vary in different cases? In the order I have named.—How long was that before the convulsions? Very varying intervals.—After the occurrence of such a paroxysm as you have described, have you known any instance of a case of poison by strychnia administered to the animal in which there has been any considerable interval between the first paroxysm and the second? Yes, I have just stated that.—What is the longest, that is what I want to know? Do you mean between the violent convulsions? Yes.—About half an hour, I should think, but it is not common.

Lord CAMPBELL.—Between paroxysms? Yes.

Mr. *Serjeant Shee*.—After the animals had been killed by the strychnia poison, you have examined the bodies, no doubt? Upwards of forty.—In what condition have you found the heart? Invariably full on the right side: very generally the left ventricle firmly contracted, and the blood usually dark and often fluid.—Are there any other post-mortem appearances of the body which you have found consistently, as to the spine in particular? There is no particular appearance attached to the spine.—Have you experimented largely with other poisons producing sudden death with animals? That is a comparative term: I may perhaps say I have experimented on upwards of 3000.—You have devoted a great deal of attention to the subject? I have.—You have written on the subject? I have.—In the case of sudden death of an animal by poison, what is the condition of the blood after death; is it fluid or not? Very often, but not invariably by any means: I do not think that is to be depended on at all; it varies from the nature of the poison.—Does it appear in the case of sudden death of other cases? Yes.—Have you attended to the evidence given yesterday as to the symptoms of Mr. Cook on the Monday and Tuesday nights? Yes, and the Sunday night.

Lord CAMPBELL.—What do you assume the symptoms to have been on the Sunday night? A state of great excitement in a less severe form.—What symptoms do you assume to have been exhibited on the Sunday night? That Mr. Cook described himself to have been very ill.



Mr. *Serjeant Shee*.—What else? To have been in a state of great excitement, and in a condition that he considered himself mad for two minutes.—You remember also what he was sworn to have stated as to what he imagined to be the cause of the excitement? I was about to add there had been some noise in the street.—Now adverting to the symptoms described on these three occasions here in court, is it your opinion that they can have been produced by the poison of strychnia? They do not resemble what I have seen to follow it.—Will you state to the Court in what particular or particulars they differ from the attacks of strychnia poison as you have observed them on animals? He had more power of voluntary motion.

Lord CAMPBELL.—Does this include the Sunday night? You have no direct evidence except his own of what the symptoms were: this is a different question; you are speaking now of the Monday and Tuesday nights.

Mr. *Serjeant Shee*.—I speak generally; but my Lord asked you a question; you say he had more power of voluntary motion than you have observed in animals under the poison; to what particular symptoms of the existence of that power do you refer, in the evidence you heard on a former day? Sitting up in bed.—What other? Moving his hands about, freely swallowing, and asking to be rubbed and moved.—Does that complete the symptoms that satisfy you there was a great power of voluntary motion? I believe so.—In what other particular do the symptoms of Mr. Cook, as stated by the witnesses, vary from those you have observed? A sudden occasion of the convulsions with the usual premonitory symptoms, and a greater length of time which occurred from the taking of the pills supposed to contain strychnia, and the occasion of the symptoms, is much greater than any period that has occurred in my experience.—Is there any other particular in which the symptoms before death differ? None occur to me at present.—Does any observation occur to you on the screaming? The screaming foreran the vomiting; I should mention, I have never seen an animal vomit after taking strychnia.

Lord CAMPBELL.—Nor scream? Nor scream as an expression of voluntary exercise.

Mr. *Serjeant Shee*.—Is there any medical reason that occurs to you why the patient should not vomit? I apprehend where there is so much spasm there is an inability to vomit; in cases related where attempts to vomit have been made, they could not succeed; I have a case which is related in the tenth volume of the *Journal de Pharmacie*, in which attempts were made to give emetics without success.—In reference to the post-mortem observation you have made on the bodies of animals poisoned by strychnia, could you form any opinion from the post-mortem examination of Mr. Cook, whether he had been under the influence of poison? They differ materially in the particulars I have mentioned.

Lord CAMPBELL.—In what particulars? The heart is stated to be empty and uncontracted.

Lord CAMPBELL.—I do not remember it being stated the heart was uncontracted.

The *Attorney-General*.—I rather think that follows, my Lord.

Lord CAMPBELL.—I do not think that expression was made use of.

The *Attorney-General*.—It would follow, that is, physically so.

Lord CAMPBELL.—Some of the witnesses said that the spasms contracting the heart would spill the blood.

The *Attorney-General*.—Your Lordship is right. It may be either way, they say.

Mr. BARON ALDERSON.—I have got it here, the heart was quite contracted, and contained no blood; being the result of spasmodic action. That is in Dr. Harland's evidence.

Mr. *Serjeant Shee*.—Does any other difference occur to you as to the appearance in post-mortem examinations? The state of the lungs, not congested.—Any other? The state of the brain, not congested.—Any other that occurs to you? No.—There is one question I forgot to ask you in the early part of the examination: in the case of the paroxysms of the animals on which you have experimented, what has been the course of the subsidence, or the subsiding rather, of the paroxysm?

Lord CAMPBELL.—Where they have returned?

Mr. *Serjeant Shee*.—Yes. Gradually.—Have you ever known the case of a severe paroxysm returned, and then a long interval of complete repose for several hours? Not for several hours; I have stated for half an hour.—Have you also experimented on the bodies of animals poisoned by strychnia with a view of discovering the strychnia poisons, the body being in various states of fermentation and decomposition? I have, from a few hours up to the 43rd day, the body being perfectly putrid in the latter case.—

Has it ever happened to you in a case where you had certain knowledge of your own that the animal was killed by strychnia, to fail, within any time within the limit you have mentioned by the tests you have applied, to discover the poison? In no one case.—In how many cases have you experimented for that purpose? I could not say the whole number.—Within a reasonable limit? In many cases: I think I have down here some of them: there were two women.—When you say, in many cases, do you mean 10, 20, 30, or what? 15, perhaps; I cannot say to a few more or less.—Suppose a person to have died under the immediate effects of strychnia poison, in the first paroxysm after its administration, and his stomach to have been taken out and put into a jar on the sixth day after death; in your opinion must strychnia have been found in the body on proper chemical analysis? If it were there.

Lord CAMPBELL.—That is on the hypothesis that he died of it? If I were to assume that, I should say that.

Mr. *Serjeant Shee*.—What tests would you use to detect the poison? Extract it first from the other matters in which it is fixed to obtain it separate.

Lord CAMPBELL.—Describe what the test is. I should place the contents in water acidulated with acid; boil for a short time; filter; neutralize with an alkali; dry it with potash and lime; evaporate; and dissolve with spirit or with ether.—After evaporating? After evaporating: I am stating the process which we did follow; evaporate the alcoholic extract to the consistency of a thick syrup, you then have the strychnia in a state to apply the test.

Mr. *Serjeant Shee*.—What is the test? If it be common chemical strychnia, such that is almost invariably found among medical men and druggists, one test is nitric acid: it gets a red colour, which in a great measure disappears on the addition of protochloride of tin: if the strychnia be there it does not undergo any change on the addition of the sulphuric acid; but on the addition to this mixture of bichromate of potash and several other substances it produces a beautiful purple which changes through varying shades till it gets to be a dirty red: there are several tests, but that is sufficient.—Adverting to the statement about putting the stomach in a jar: take it that the stomach was put into the jar, brought up to London, and then immediately submitted to examination: in your judgment was that in an unfavourable or favourable condition for ascertaining, aye or no, whether the strychnia was there? It would give a little more trouble; I do not see anything else.—It would not be in an unfavourable state for examination? It would give more trouble, but not an unfavourable state otherwise.—Supposing four days later the liver, the spleen, and the kidneys had been placed into another jar, sent up and forthwith examined, in your judgment if the person had died from strychnia poison, ought it to have been discovered in those parts of the system? Yes.—Have you, in the various experiments you have made on the bodies of those animals killed by strychnia, have you discovered the poison in corresponding portions of their systems? I have seen it.—You have seen it done, by other chemical analysts? Yes.—You have detected it in the blood? I have seen it there.—When you saw it there, by whom did you see it done? Mr. Herapath.—Is that Mr. Herapath of Bristol who is here? The same.—Is it your opinion that the analysis may be defeated or confused by the existence in the stomach of any other substance which would produce the same colours? No.—Now supposing the substances known by chemists as pyroxanthine and salacine were in the system or in the parts examined, would their existence there defeat the experiment? Not at all.—Pyroxanthine is not a substance very likely to exist in the stomach of an animal unless put there on purpose? The most improbable substance; it is one of the rarest and most difficult substances to be obtained.—What else would have to be done, in addition to what you have mentioned for the detection of strychnia, to detect pyroxanthine? Not so much; the difference between pyroxanthine and strychnia is quite evident and distinct.—What would it be necessary to do to detect the pyroxanthine? Pyroxanthine changes to deep purple on the addition of sulphuric acid alone, and on the addition of bichromate of potash the colour is spoilt, whereas in strychnia it produces no change, it requires the addition of bichromate to change the colour; I have the substance in my pocket.—Supposing death to have been caused by a dose of strychnia poison sufficient, but not more than sufficient, to destroy the animal, in your judgment would it be so decomposed by the process of absorption as that you would not be able to detect it by those tests in any portion of the system? No.

Lord CAMPBELL.—That would be what is called a minimum dose; enough, and no more.

Mr. *Serjeant Shee*.—That, I believe, is the hypothesis they put; has that question



been, previously to this trial, a matter of consideration with you, and known to you to be a question with some toxicologists? It has.

Lord CAMPBELL.—It is a question on which toxicologists have entertained a different opinion? I believe they have.

Mr. *Serjeant Shee*.—Have you studied the question sufficiently to be able to state to my Lord and the jury reasons for thinking the minimum dose, after having done its work, continues in the system? The reasons that are sufficient to my mind.—Will you state what those reasons are? I believe the illustration given was that, as food undergoes a change on being taken into the body, these substances also do.

Lord CAMPBELL.—It has been said that the decomposition of food affords an analogy? It has; I believe not; the change in food takes place during digestion, consequently its elements are not found in the blood, or if the change does not take place there, they remain unchanged in the blood; these substances are absorbed without digestion, these alkaloids, and may be obtained unchanged from the blood, but these substances may be administered in various ways.

Mr. *Serjeant Shee*.—In your judgment will any amount of putrefaction prevent the discovery of the strychnia? No, not within reasonable bounds.

Mr. BARON ALDERSON.—You have found it after 43 days? To say that strychnia is absolutely indestructible would be wrong, but within ordinary bounds strychnia is a fixed substance; I have found it after 43 days.

Mr. *Serjeant Shee*.—Can you give us any opinion as to the probable or the relative rapidity of the action of strychnia on an empty or a full stomach? The more empty, the quicker the action.

*Cross-examined by the Attorney-General.*

You, I think, Mr. Nunneley, are the Lecturer on Surgery at the School at Leeds? Yes.—Mr. Morley is the Lecturer on Chemistry? Yes.—That is the gentleman whom we called for the prosecution? The same.—The experiments on those sixty animals you spoke of, were they made by Mr. Morley and you jointly? Part of them.—The greater part? No; perhaps half of them might.—Was there anything to distinguish from what you experimented on alone or from what you experimented with him, or may we take it the general result was the same? The general result was the same.—Since when have you commenced that series of experiments on sixty animals? It has been spread over a period of thirty years.—But I mean the experiments you have made with Mr. Morley? Since the case that has been so frequently referred to, the greater part of them: a part of them was made before that, with which Mr. Morley had nothing to do.—Was that with reference to this case? With reference to a case which was spoken of a great number were made conjointly.—I mean before that time? Before and since.—Were they made with reference to this case? Some of them were, others certainly not.—How many have you made with reference to this case? That would be difficult to say; I was engaged in that case, and a great many of those experiments were made with reference to that case.—Do not quarrel with me, but answer me: how many experiments have you made with reference to this particular case? I cannot answer the question.

Lord CAMPBELL.—Can you give us any idea? I have made a few, but the great bulk certainly not.

*The Attorney-General*.—When were you first concerned in this case?—About the period of the death of the person who has been so frequently alluded to.—Were you applied to on that? I was in correspondence with Mr. Smith, I was applied to.—Did you begin the correspondence or did Mr. Smith, the attorney for the defence, commence it? I believe I wrote a letter.—How did it begin, did he write to you? I believe it began in this way, that the published case of which I read the details was forwarded to Mr. Smith.—With a view I presume to your being engaged? I called his attention to it.

Lord CAMPBELL.—Which case? The first case.

*The Attorney-General*.—The case we have agreed to consider an anonymous case; now attend; that case, the case of which we do not give the name, had not then occurred? That I cannot be sure of.—You have not told us one thing that may be material; in these various experiments that you have made, what has been the general dose you have given? From half a grain to two grains.—Have you found half a grain sufficient to destroy life in the larger animals on which you have experimented? Yes; I have seen a dog and a cat die from half a grain, not always.—You mentioned some animals were more susceptible than others? Yes.—Is that intended to apply to animals of different species, or do you find a varying degree of susceptibility in the same species? It applies to both; some animals as to species are more susceptible than an individual of

the same species; some were more susceptible than others, but there is a great difference between the species.—You mentioned that the symptoms have generally shown themselves in from two to thirty minutes; Mr. Morley told us two minutes to an hour, will you undertake to say that there have not been cases in which the first appearances have not been delayed an hour? I do.—You say there have not been? Yes; that I have seen.—Have you not known instances in which you have had to repeat the doses of poison? When the dose has not been sufficient to kill, but to produce symptoms, there is a wide difference, I have given it three times; the quantity I gave was half a grain.—Was that to a cat? Yes.—I think your periods were 34 minutes past five, I am giving you this from a note I have received; the periods at which you gave the three doses were 34 minutes past 5, 10 minutes past 6, 35 minutes past 6; making on the whole two grains? It is very probable; I cannot be sure whether it was so or not.—As far as you can recollect? I think it is very probable; there is no statement that symptoms were not shown.—Were there any symptoms shown? Certainly.—What symptoms? The symptoms of spasms, but the animal did not die, and I had to repeat the dose.—I am merely putting that to you as a fact in the case, you were dealing with an animal of the same species, of other individuals of which you had been able to produce death with half a grain? I will explain it to you at once.—Did the cat swallow those doses? No, it did not.—Have you found other animals affected by it? I think I have young ones, not old ones.—Have you any doubt of it? Yes, old ones I have.—May I take it, that with cats in general half a grain is the minimum dose? Yes; I think half a grain would be a small dose to kill an old strong cat in the solid state.—A small dose will suffice in the fluid? I am not sure, it is probable; but I am speaking now from my own experience.—Is it your experience that when given in the fluid state a small dose does? I have stated that already.—That is so, I may assume that? You may assume that.—A word or two about the symptoms; if I understood you, hard breathing is among the first symptoms that show themselves? Yes; then comes twitching, an inducement to move.—Then I think you say some slaving of the mouth? Generally.—Then comes twitching? Yes; and then trembling of the muscles, and then usually convulsions.—What I want to know is, whether these symptoms make their appearance uniformly in all animals of the same species, or whether there is diversity in the uniformity in which they proceed themselves and in the order? I would not swear that they may not occur; but such is the result of my observations.—What I want to know is, whether the result of your observations is that these symptoms which you have so described occur uniformly, or at uniform periods of time, or whether they vary occasionally? They certainly do not occur at uniform periods of time.—They vary in order? In describing them, I would not say there are not exceptions.—Do not you know there are considerable variations in the order, as well as in the time? I have not observed considerable variation in the order, I have in the time.—Now, with regard to the recurrence of these convulsions, when the convulsions have once set in have you found considerable difference as to the periods at which these convulsions take place? Some difference, with greater or less intervals.—Have you not also found considerable variety in this, that an animal will undergo a succession of these attacks before it dies, and that another will die after a much less amount of convulsion? Yes, it seldom dies after one, generally four or five, and often a great many more. I have known one or two instances in which the animals have died after one convulsion.—Has that been where the death has followed from a dose equal in quantity to some other quantity which has not produced the same effect? Yes.—Now as regards the convulsions of the different muscles of the body, does that also vary—the order in which the muscles are convulsed? To some extent it does in violence.—Have you found that sometimes the muscles of the trunk are affected before those of the extremities, and sometimes the muscles of the extremities before those of the trunk? I think the limbs are generally affected first, that is the general rule,—very often both together.—Where they are simultaneous, the symptoms of the extremities generally precede? The difference is this, that they may be more easily observed in the muscles of the trunk.—The convulsions I am speaking of? The convulsions occur together, generally together.—With regard to the flaccidity that you have mentioned as occurring after death, have you known any instance in which rigidity greater than is due to the ordinary *rigor mortis*, has occurred after death? I do not think there is any difference.

LORD CAMPBELL.—In no one instance? I have known instances in which they were very rigid, but I have known instances in which the muscles were flaccid. I may state I do not think there is any peculiar rigidity produced by strychnia.

THE ATTORNEY-GENERAL.—If that be not so in the animals, how was it in the two instances where you found death from strychnia in the human subject? I mentioned considerably less.—With regard to the lady whose case we do not name, was it not the fact, then, that



although the muscles of the body were flexible, that the hands were curved and the feet arched and muscles contracted? Not more than is usual from ordinary causes; I have said the hands were curved and the feet arched by muscular contraction.—Do you mean that when you spoke of the feet being decidedly arched, do you mean to say that you meant no more than is due to the ordinary rigidity of death? I do; that is what I mean by muscular contraction.—Is that what you meant when you signed this, “the hands were incurved, and the feet decidedly arched by muscular contraction;” do you mean to say that you meant no more than is due to the ordinary rigidity of death? I do, and stated so at the time.—In the report you have signed? No; in conversation with the parties engaged.—You made a report which did not include the whole? It is a statement of a fact.

LORD CAMPBELL.—You say, “I meant to describe the common *rigor mortis*?” Yes; it is stated in the former part of the report that the other muscles of the body were less so; that there was a distinction between the two portions of the body; a statement of the fact, but nothing more.

The *Attorney-General*.—Now, Mr. Morley stated here the other day that in the experiments he made with you on animals killed by the poison, that after death there was an interval of flaccidity, after this rigidity commenced, more than if it had been occasioned by the usual *rigor mortis*; you do not agree with him as to the statement of the fact?—I do not; it is a difference of opinion entirely.—Now you say you had generally found the heart full? Yes, the right side.—Does the fact of the heart having been found empty in this case lead you to the conclusion that it was not a death by strychnia poison? Amongst other things.—Did you hear the evidence given here the other day of the post-mortem? I did: I also heard this stated, “that the heart was distended and empty.” I believe I was in court when the gentleman who conducted it gave his evidence of the post-mortem examination of Mrs. Smyth, who died from the unfortunate administration of strychnia: if he stated that the heart was congested I should have heard him.—In those two cases does the fact of the heart having been found empty exercise any influence on your judgment? Not unless I know how the post-mortem was made; if the post-mortem was commenced in the head, the explanation is given by Mr. Morley and myself in the case at Leeds: we had no doubt of the heart being full, the blood being fluid, but the head being first opened, the large vessels cut, the consequence was that the blood by mere natural physical causes drains away.—Are you aware how the post-mortem was made in this particular case of Mr. Cook? The chest and abdomen were opened before the head; it is stated so.—What effect would that have? If there were blood in the heart it ought to be there.—That would not make the difference; the head was not opened there in the first instance? No, that is my explanation of it.—What would occasion, in your opinion, the contraction of the heart in Mr. Cook’s case? The heart, if empty, is usually contracted; it is like other muscles.—How do you account for the emptiness and its being contracted? If it be empty it will have nothing to open its contraction: I cannot account, from the appearances of the body after death, for the emptiness of the heart any more than it might be the usual effect of death.—Of what? Of death: it varies very much, but as a general rule in post-mortem examinations we find, if the heart is empty, it is contracted: the heart is a circular sack-like muscle, and if it has nothing to extend it it contracts.—I believe you say in all cases you have examined of strychnia poison the blood is fluid? No, I do not.—In how many? In a great majority.—Then, suppose there is blood in the heart, would the heart have contracted? No, it would be flabby.—If you find the heart contracted, the heart must be empty? There is a difference between the two cavities of the heart; it sometimes happens the left ventricle of the heart is contracted and the right flabby and uncontracted; it is very often spoken of.—Where there is death by asphyxia that is so? Precisely.—If I understand you, the post-mortem appearances of Cook’s body, which you say differ materially from those you have seen after death from strychnia, were the emptiness of the heart, the state of the lungs, and the want of congestion in the brain: now, I have asked you as to the emptiness of the heart, what do you say as to the state of the lungs? The lungs are described as not being congested.—Do you attach any importance to the emphysema? It is of two kinds.—What is the distinction between the two? One of them consists in a dilatation of the cells, the other in a rupture by which the air, not being in the cells, passes amongst them.—I suppose you say it was not from the rupture of the cells here? That I inferred from the description given.—Have you not found emphysema in cases of animals that have died? Yes.—Has it always been from a rupture of the cells? Always: it could be in no other way.—What is there in the statement of witnesses which makes you think there was emphysema of the other sort? We are told that there was during life a diseased condition of the lungs.—I am speaking of the appearance of the lungs after death? I must put the whole together.—Would it not have been an easy thing to have

ascertained what the character of this emphysema was? we had the witnesses here who made the post-mortem examination: would it not have been desirable to have known whether the nature of this emphysema was natural, or whether it was emphysema from rupture? If the question had been put to them.—But you were sitting there advising my friends throughout, while Dr. Harland was here, and you heard what he said? I did hear him.—Did it occur to you it was proper to ask him what was the nature of those? No, I did not, because I heard (which was sufficient to my mind) that disease had existed: the question was put, as to the disease, to Dr. Savage.—I am speaking of this emphysema? It did not occur to me.—Let me ask you this: you have told us the various symptoms about this gentleman, from which you gather that he was of a delicate constitution; to which do you ascribe these convulsions of which he died? Not to any.—I thought I understood you to say that the fact of his having syphilis was an important ingredient in your mind? Yes, but you ask for convulsions.—I apprehend you have no doubt he died of convulsions? No.—You entered into a long detail of the various ailments under which this unfortunate man suffered, and you say that this would predispose him to convulsions: I ask you which of them? The whole; the combination of them.—Amongst others you mentioned excitement? Yes, and depression of spirits.—What evidence is there, on which you rely, of his being a man subject to depression of spirits? That he was three minutes after the winning of the race by his horse in which he could not speak.—Is there any other incident in the man's life on which you can put your finger, and say that he was subject to depression of spirits? It is stated by Mr. Jones that he was subject to depression of spirits.—What sort of depression? Mental depression.—Where do you find any mental depression at Rugeley? There was a good deal of mental depression.—Would you expect excitement to produce its effects recently on its existence, or after it was totally and entirely gone? It may induce that state of brain in which convulsion will follow at some distance.—Did you find from the evidence that the brain was perfectly healthy? No, not perfectly healthy.—Did you think the gentlemen who made the post-mortem examination would not have found it? Mr. Bamford said it was not.—Do you mean, as against the reported testimony, and the testimony here of Dr. Harland and of Dr. Monekton, as well as Mr. Devonshire; do you mean, as against them, to set up the testimony of that old gentleman, Mr. Bamford? The evidence stated at the inquest itself is put in the depositions.—Do you mean to say—in your opinion that excitement producing disease of the brain would bring on these convulsions: upon your oath, do you mean to make that representation? I mean to say this; that in the condition of the brain, and the statement that has been made, I believe it to be quite probable that convulsions might come on and destroy a person, and leave no trace behind.—Do you believe this man died of apoplexy? I do not: you must bear in mind he had taken doses of morphia.—Do you ascribe his death to morphia? No, except that it would assist in the convulsive attack, and it would affect the spinal marrow.—Brought about by the morphia? No.—In your opinion was morphia right treatment or wrong? I should think not very good in the state in which he was.—What state? In the state he was in then.—What state do you mean? Excitement.—Do you mean to state there was excitement at Rugeley: do you mean to say that there has been anything said to show that there was any excitement at Rugeley? You will not allow me to furnish an answer: there was no excitement at Rugeley; but morphia, when there is sickness, will sometimes disagree with the patient when there is an irritable state of the brain.—Where is the evidence of the irritable state of the brain: the stomach was irritated, I will allow; but where is the evidence that there was any excitement at Rugeley, I want to know? There is none.—Then why was morphia a wrong treatment? Because it is after sickness; and there is evidence of there being an irritable state of the brain; from what he said himself, he must have either been delirious on the Sunday night, or he must have had some attack similar to what he had on the Monday night.—Do you believe, on your solemn oath, that he had convulsions on the Sunday the same as he had on the Monday? I cannot say.—Do you believe he had? No, I do not.—Do you believe he had not? No, I do not.—Do you mean to represent, in your opinion, the attack of the Sunday night was similar to the attack on the Monday night? Less intensity; but, I think, very probably of the same character.—You do believe there were convulsions on the Sunday then? No, I do not.—He died of convulsions, you know? He died of convulsions, but I say of the same character.—Then you do believe he had convulsions? To a certain extent, but less in intensity: there was a state of great mental and bodily excitement.—On the Monday night? I have stated to you that he was in that condition which very often precedes convulsions.—Will you admit of a man so under the influence of morphia, and he is suddenly disturbed by a noise, it is likely to have a depressing effect upon him?



I will; but there was no proof of a noise.—There is no proof, except his own statement, of any illness? Precisely; that is part of my opinion, that he did not state what had occurred accurately.—Do you mean to say that he did not state that truly? No; that he was mistaken: that is one of the symptoms; I believe the man to have been delirious then.—Now, sir, be so good as to tell me what are those forms of convulsions of which you gave some statement to my friend which will produce convulsions of a tetanic form? Any irritation will produce it.—Ending in death? It may end in death.—Did you ever see an instance? Yes, in children.—I am not speaking of children; what convulsions are there which are attended with tetaniform symptoms? Any convulsions, if by tetaniform you mean an outstretching of the limbs.—Will you tell me of any convulsions which you have known end in death accompanied with what my friend calls tetanic symptoms? I have known them in children.—We are dealing with a man twenty-eight years of age; he had not worms in his stomach, or anything of that kind: in what instance have you known such forms of convulsions produce death in an adult? I have never had such a case.—Has your reading furnished you with any? The general statement of all writers is, that such cases do occur.—Is there nothing that will furnish you with a name for it? No, except convulsions, convulsive diseases.—Have you ever known or read of a case in which the patient was conscious to the last? No, I have not; I have seen it stated so, but I have never met with it.—I take it, in epilepsy you have those tetanic symptoms? Yes.—But in epilepsy, before death, consciousness is gone? Yes, so far as my experience goes.—You have had considerable experience in tetanus; we will pass on to tetanus: you have had considerable experience in idiopathic tetanus? I have had four cases of idiopathic tetanus, and some five or six perhaps of traumatic.—Be so good as to attend to what I am about to read to you, which is the statement of Mr. Jones as to the symptoms under which Mr. Cook suffered on the coming on of the paroxysm? (*The learned Counsel read an extract from the evidence of Mr. Jones.*) That is not tetanus at all; I do not think it is tetanus.—I ask you to distinguish it in any one particular? Let me clearly understand the question.—I have read to you the description of Cook's symptoms as witnessed by Mr. Jones: I ask you to point out any distinction between those symptoms and the symptoms of tetanus? Do you mean the one paroxysm or the disease which is called tetanus?—I am speaking of the paroxysm of tetanus? It is very like.

Lord CAMPBELL.—You say this is not tetanus at all? It is not.

The *Attorney-General*.—I want you to point out any distinction which accompanied paroxysms, and distinguish it from real tetanus? I do not know that there is any distinction except—I was about to say I never saw a case of tetanus in which the rigidity continued at the time of death and afterwards.—I am asking you as to symptoms of the paroxysms: I understand you to say the symptoms of the paroxysms are not distinguishable from those of tetanus? Some of them are at the moment of death.—Give me any of them?

Lord CAMPBELL.—This is not tetanus; but, as far as they go, they coincide with the symptoms of tetanus at the moment of death? Yes.

The *Attorney-General*.—Observe, you have here consciousness to the last; that before the man dies he says "Turn me over;" and as soon as they turn him over he dies: tell me of any case you know of in which death has ensued from convulsions, where the death was not from tetanus, in which the patient was conscious? I have already said I do not know of such a case.—Now let me call your attention to strychnia tetanus: would you call the symptoms tetanic? They are called so very properly.—Do you agree with Sir Benjamin Brodie, that the symptoms in the convulsions arising under strychnia are of the same character while they last as the symptoms in traumatic or idiopathic tetanus, and that the distinction between the two consists in the course in which the symptoms run? Will you repeat the question?—While the paroxysms of tetanic convulsions last, there is no difference between those which arise from strychnia and those which arise from tetanus properly so called; but the difference is in the course of them? I think there is.—What is the difference? I think that the hands are less violently contracted and affected in ordinary tetanus, and that the whole effect of the spasms is less in ordinary tetanus.—You would expect to find the hands more firmly and tightly closed in tetanus from strychnia than in ordinary tetanus? I think it is so.—In other respects do you agree with Sir Benjamin Brodie, that the difference is in the course in which the symptoms run? There is another difference, that in ordinary tetanus the convulsions never entirely pass away.—That is one of the reasons he gave for distinguishing the course? In the case at Leeds it was the same.—I believe, from your large observation of the symptoms of strychnia, you felt perfectly prepared in that case at Leeds, the name of which we do not give, in the description of the symptoms to come to the determination that that was

a death from strychnia? I thought it possible and probable; I did not come to a determined opinion.—You expressed an opinion? I did.—Did you not say you had no doubt as to the cause of death? No, I said I thought it probable; that was after the post-mortem.—I am speaking now of what you said of the symptoms, and in the description of the symptoms you gave that opinion? I think I said that was the conclusion I drew from the symptoms and the post-mortem appearances.—You had not at that time ascertained that there was strychnia? Yes, we had.—Let me ask you whether this is your view of the symptoms of strychnia, as distinguished from the symptoms of ordinary tetanus. (*The learned Counsel read a portion of the report of Mr. Nunneley in the Leeds case.*) Did you state that on the description of the symptoms given by Mrs. Witham, the same witness who was examined here the other day, that was your opinion? I said that.—I ask you whether it is possible, after that, that you can represent here (I do not know whether you intend to do so) that this was a case of idiopathic tetanus? I never did, and you have not heard from me that I infer that.—I have heard it said in this case, that this may have been something arising from a syphilitic affection? Idiopathic or traumatic tetanus was mentioned; I do not think it was a case of tetanus in any sense of the word.—Why not? I have given the description; because it differed from the course of tetanus.—Did it differ from the course of tetanus from strychnia? In the particulars I have already described.—Repeat them once more? The very sudden acquisition.—Acquisition of what? Acquisition of the convulsions.—After what? After the first rousing of Mr. Jones.—What else? His power of talking.—Did you not know that in the instance of Mrs. Smyth she talked, and begged to have water thrown on her, and talked throughout? It did not occur to me.—Are you judging of the one incidental case, and coming here with conclusions founded on that? I think it is an element; the time.—Then let me add the element that the lady, whose painful case has been given here, continues to the last conscious, and asks to have her legs stretched just before she died; does that shake your faith? Yes.—Do you not know in that case that her last words were to turn her over? There was something said about what the words were.—Do not you know that the fact was the lady asked to be turned over? Not at the last moment; I do not dispute it if it is said so.—Were there not here the premonitory symptoms: the animals are affected about the jaws and the ears, and Mr. Cook has stiffness in his neck, and asks to have it rubbed? It is a premonitory symptom.—Was it not a symptom of the convulsions which are not distinguishable from tetanus? I have said so.—I want to know what you said to me? I have stated here, that I believe in cases of poison from strychnia it is first developed in the legs and feet.—You told us the animals began to feel twitching in the ears; this gentleman had, before the convulsions came on, stiffness in the muscles of the neck and jaw, and begged to have them rubbed? That might be if it were anything else.—I ask you now, is not difficulty of breathing one of the premonitory symptoms; he sat up in bed, and complained of feeling suffocated? Yes.—And felt a stiffness about the neck, and asked to have it rubbed; I ask you what were those but premonitory symptoms; he asked to have it rubbed, and, as far as we know, in all the animals: the animals could not ask to have it rubbed?

Mr. *Serjeant Shee* objected to this mode of putting the question.

*Witness*.—In no one single instance could the animal bear to be touched, and it evidently was most painful to it to be touched.

*The Attorney-General*.—Do not you know that Mrs. Smyth asked to have her legs and arms straightened? I do.—Let me ask you this; have you not often found that it was prior to the occurrence of the paroxysms, and not after the paroxysm? No; I have seen a paroxysm, and not after the paroxysm, brought on by it.—In all cases? No, not in all cases; but in the other case, for two hours before she died, when she could speak, she begged of them not to touch her.—Did she not ask to have her legs rubbed? That was when the attack was slight; not during the fatal attack.—After the paroxysm? The paroxysms had set in.—After the paroxysms had set in, did she not request to be rubbed? She did before the convulsions came on; she liked to have her feet and legs rubbed.—Afterwards she could not bear it, because it caused a recurrence? Yes.—That was in consequence of the twitchings, was it not? No, I think not.—Consider? I think not; it is stated by all the witnesses she begged she might not be touched.—But for that one thing, that the paroxysms came on so soon after the first premonitory symptom, is there one single point in which this differs from strychnia tetanus? The power of swallowing so lately.—On what does it depend, the inability to swallow? From the inability to move the jaw.—Have you not stated that the lock-jaw is in these cases the last symptom that comes on? The symptoms had come on.—What symptoms? The symptoms of convulsions.—I ask you



whether it is not a fact that, as well as in natural tetanus, in tetanus from strychnia lock-jaw is not the last symptom, and very often never sets in at all?—I have never seen an instance in which it does not make its appearance.—Is it the last? I stated so then; but in my experiments I have never been able to see anything; I do not deny that it may, but I am speaking of the general rule; I think it is quite possible it may.—At what stage did it come on? Very early; more than two hours before death.—How long did the paroxysms continue before death took place? Two hours and a half.—That was a case in which very large doses of strychnia were administered? We supposed four or five times repeatedly.—I have only one word or two to ask you on the subject of the experiments after death; have you experimented on the tissues yourself, or on the blood? I have seen it done.—When did you first see it done? The day before the trial.—How long have you been in town? Several days.—Did you know that this poison could be extracted by chemical process from the tissues? I thought it probable.—You never tried it? No.—How many cases did Mr. Herapath try? One case that I saw.—How was the animal killed then? By a dose of strychnia given by the mouth.—A fluid? I am not sure.—Try and recollect? I cannot; two more were killed.—What quantity was given them? I think it was half a grain; I did not make the experiment; there was a dog and a cat at the same time.—In the case of Leeds there were four animals killed afterwards from the contents of the stomach? There were.—You state that you have succeeded in every case where you have tried in your experiments in finding the strychnia? Yes.—You and Mr. Morley differed on that? I think I am correct, for I have the original note.—Did not Mr. Morley differ in two cases? Yes; in one he did.—There was a difference of opinion between you? We divided the poison which we found in the stomach into two portions, and we adopted two different processes for extracting it, and by the one process we were both rather doubtful, but by the other we produced it.—One of the processes failed and the other succeeded? It did.—Now you thought you found it and he thought you did not? Not that I recollect.—Do not you know that Mr. Morley has been doubtful as to the results of these experiments? No; Mr. Morley stated differently in his own examination.—In his examination here? Yes; if you refer to it, except in one case, and that is the explanation I give of it.

Re-examined by Mr. *Serjeant Shee*.

My learned friend the Attorney-General has directed your attention to your having stated in the report which you drew up on one of these cases that the hands were rigid and the feet incurved by muscular contraction; pray, in making reports of this kind of the symptoms or appearances of the body after death, do you state only extraordinary appearances, or ordinary appearances as well as the extraordinary? Ordinary appearances also; it is a statement of a fact without anything more.

*The Court adjourned for a short time.*

Mr. WILLIAM HEREPATH sworn.—Examined by Mr. *Grove*.

Are you Professor of Chemistry and Toxicologist at the Bristol Medical School? Yes.—How long have you been occupied in chemistry and toxicology? Chemistry and toxicology; chemistry much longer than toxicology.—Chemistry how long? Chemistry 40 years and toxicology probably 30.—Have you experimented on the poison of strychnia? Yes.—Have you seen any cases in the human subject? No; I have not seen a case; I presume you allude to the symptoms.

Lord CAMPBELL.—You are not a medical practitioner? No; an analytical chemist.

Mr. *Grove*.—Have you seen any case when you have examined the human body where strychnia has been taken? Yes; in one case I had the contents of the stomach.—In this one case do you say you examined the contents of the stomach; what did the patient die from? From strychnia only.—Did you recognise it in that state on chemical tests being applied? I discovered it in the contents of the stomach.—How long after death? It must have been about three days after death.—What was the test you used? I presume you mean the mode of proceeding before the test.—I meant first of all what was the test by which you discovered it? I used common sulphuric acid and bichromate of potash; sulphuric acid and peroxide of lead; puce-coloured oxide of lead; sulphuric acid and peroxide of manganese; a fourth test, sulphuric acid and red ferricyanide of potassium.—Are those that you have named what you call the colour-tests? They are one class of colour-tests; these all produce a purple colour with strychnia if present, which purple passes to red; there is another class of tests with common strychnia.

Mr. BARON ALDERSON.—The first was with pure strychnia? Yes.

Mr. *Grove*.—Your process previously to applying the tests is to get the strychnia separated, and in solution?

Lord CAMPBELL.—All your processes are alike, I suppose? Up to a certain point. The process which has been proposed has been that which was generally proposed by Orfila, to neutralise with an alkali, then to evaporate, and then to dissolve.

Mr. Grove.—Did you, in the case of the human subject, make evident the existence of strychnia by the colour tests? Certainly.—Have you experimented on animals? I have.—To a large extent? Not to a large extent; sufficient to establish the principle.—Can you tell us to what extent? In my own experiments and those I have witnessed, eight, nine, or ten.—Have you succeeded in those cases in proving chemically the presence of strychnia? I have not analysed them only; there are two which I have destroyed.—Confine your attention to those which you have analysed? There are two which I have destroyed myself; each of those were cats; I gave one grain of strychnia in a solid form; I could not get the animal to take it voluntarily, and I left it in meat at night when I went to bed, and I found the animal dead in the morning; the body was dreadfully contorted.

Lord CAMPBELL.—Rigid? Extremely so; the fore limbs extended, the head turned round, not to the back, but to the side, the eyes protruding and staring; the iris expanded, so as to be almost invisible.

Mr. Grove.—I do not want to interrupt you, but if you will come to the medical examination I shall be glad? In this animal I found in the urine which had been ejected strychnia; and I also found it in the stomach.—Did you find it with the tests you have mentioned? Yes.—You stated there was a second case in which you had administered strychnia yourself? This also is a cat; I gave the same quantity in a solid form in food.

Lord CAMPBELL.—Did it swallow it? I made it swallow it; it remained very quiet for fifteen or sixteen minutes, with but few symptoms until thirty-five minutes.—What did you observe then? It merely seemed a little restless with its eyes, the breathing a little quickened, and at thirty-five minutes it had a terrible spasm, the four extremities and the head being drawn together.

The Attorney-General.—Do you mean the extremities of the four legs? The four.—Do you mean the four in number? The four in number.

Mr. Grove.—How soon after did the animal die? I watched it for three hours more; after this it had a second spasm; a frothy saliva was dripping from its mouth, and it forcibly ejected its urine; it had a second spasm a few minutes after, when I thought the animal would die; it soon recovered itself, and then remained quiet, or at least still, with the exception of a trembling all over.—How long did it remain still? I was going to state the peculiarity of its manner; the slightest breath of air would affect it; it continued in this state till I went to bed at half-past 10; that was three hours.

The Attorney-General.—What were you going to state about the breath of air? During this three hours and a half, or nearly so, the animal was in a peculiar state; touching it appeared to electrify it all through; even blowing upon it produced the same effect; touching the basket, the slightest thing that could affect the animal, produced a sort of electric jump; produced an effect like the electric stream passing through the animal; I left it then, thinking the animal would recover, but in the morning I found it dead, in the same indurated and contracted condition in which the former animal was found.

Mr. Grove.—How soon after that did you proceed with your chemical examination? About thirty-six hours.—Did you find strychnia? Yes.—Where?—In the urine, in the stomach, and upper intestines; in the liver and in the blood of the heart.—In all cases in which you have seen a chemical examination on a search for strychnia has it been found; did you detect it by the same tests? Yes; but I went a step beyond; I took extraordinary means to get rid of the organic matter.—In all cases which you have seen where strychnia has been taken has the examination been successful? Not only strychnia, but nux vomica, from which strychnia is extracted; I have found nux vomica in a fox and in two dogs.

Lord CAMPBELL.—Does not nux vomica present the same appearances? Not exactly the same, my Lord: I can extract the strychnia from the body even where nux vomica has been the cause of death.

Mr. Grove.—Do you mean that nux vomica is more difficult to discover? It is more complicated of course.—Do you say you have found strychnia in every case where strychnia has been taken, and strychnia also where nux vomica has been taken? Certainly; in one case the animal had been buried two months.—Have you experimented on strychnia mixed up with organic matter other than the experiment you have stated? It was putrid in the case of the body; out of the body you mean?—Yes. Mixed pur-



posely with putrid remainus.—Have you detected strychnia in those cases? Yes.—How long has it been allowed to remain mixed with the putrid matter? I found in the laboratory for examination some putrid remainus; and I have mixed strychnia with those in order to see whether it interfered with my finding it.—Have you found it in all those cases, whatever was the state of decomposition? I have.—Are you of opinion, as a chemist, that where strychnia has been taken in a sufficient dose to poison, it can be detected, and ought to be detected by chemical science? Yes; up to the time the body is decomposed completely; I mean even where there is putrefaction.—Explain what you mean by “decomposed completely” and “putrefaction”? Where the body has become a dry powder.—You heard the evidence as to the jars which were conveyed to Dr. Taylor; are you of opinion, in the jar containing the stomach in the state it then was, from your chemical knowledge, that strychnia ought to have been detected if it had existed there? Yes, I am.—Are your tests liable to irremediable danger from the substances that have been named pyroxanthine? I cannot conceive how it could get into a human stomach.—But supposing it got there? The first step would detect it, without the bichromate of potash; I should mention that body is not an article of commerce; it is with the greatest difficulty it can be obtained.—Then you are of opinion that it can be found? Certainly, provided the organic matter is properly got rid of; you will understand the experiment in which I found it in the liver was not the one I made here in London.—The experiments which you have mentioned were made at Bristol? At Bristol.—How many did you make here in London? I made three separate experiments on the same body.—On separate parts of the body? One on the stomach, one on the liver, and one on the blood.

LORD CAMPBELL.—Do you wish to have them detailed?

Mr. *Grove*.—No, my Lord; did you find it on those occasions? I did, to the satisfaction of those who surrounded me.

Cross-examined by the *Attorney-General*.

You are not a toxicologist? I do not profess anything of the sort.—When you have experimented for the purpose of finding the strychnia, has that been principally in the stomach? Principally, until lately.—When did you first look for it in the tissues of the body? On the 8th of May.—With a view to this case? Certainly, it was with a view of learning everything that I could.—Do not suppose that I impute it as a matter of blame; in how many instances have you yourself experimented? About nine; these are not small experiments; they are things that have been sent to me; animals in which I have found this; with the exception of the two last I made in Bristol and three I made in London.—What was the one in London? The one here was a dog.—And this is the only one where you have found it in the tissues? One in Bristol and a dog in London.—You experimented on the tissues of those two cats? On one of the cats and one of the dogs.—You found it, I think you say, in the cat; where did you find it there, in the tissues? In the liver, the heart, and in the urine, besides the stomach. What quantity was given to the dog which you experimented on in London? One grain; it was a large dog.—A grain is a considerable dose? Yes; I have seen an animal destroyed with a quarter of a grain; it was intended to give it half a grain, but it spilt it, and therefore a quarter of a grain killed it.—You say you think that if strychnia were present it ought to be discovered; have you not said, and said more than once, that you have no doubt that strychnia was present, but that Professor Taylor had failed to find it? No, certainly not.—Have you not said so to the present mayor of Bristol? I have said, “If it was there Professor Taylor ought to have found it.”—Have you not said several times in his presence that you had no doubt that strychnia had been given in this case, but that Professor Taylor had not found it? I had a strong opinion from the reports of the newspapers; it is very likely I might; I do not deny it; I had a strong opinion from the newspaper reports that strychnia had been given, judging from the newspaper reports.

LORD CAMPBELL.—From the statements you saw in the newspapers? From the statements I saw in the newspapers; I was not at all engaged in the case, and I conceived I had a right to express an opinion, the same as others.—Was that from the statement you had seen of the symptoms?

Mr. *Serjeant Shee*.—We must know what that statement was? It was founded on a statement which I had seen in a great number of newspapers, the *Illustrated Times* amongst the rest.

Mr. *Serjeant Shee*.—That comes to nothing.

The *Attorney-General*.—I believe you have expressed that opinion frequently? I dare say I have in conversation; persons have naturally spoken to me on the subject; hundreds of people talked to me, knowing that I have made toxicology a study; they have talked

to me about it, and it is possible I might have said something like what you have asked me about.

Re-examined by Mr. Grove.

What is the smallest quantity you have detected in the tissues of the stomach? The smallest quantity in the dog's stomach?—Yes. I cannot say; I can show it you.—Can you give us an opinion as to the quantity? If it is perfectly free from organic matter, I am satisfied that you could discover the fifty-thousandth part of a grain that is unmixed with organic matter; ten grains of this body is soluble in a gallon of water.—Do you mean to say you have experimented by dissolving a given quantity, and you have ascertained that you can discover that quantity?—Yes, I was going to tell you; I dissolved the tenth part of a grain in a gallon of water, that is, one in 70,000; I can take the tenth part of a drop of the water and demonstrate the presence of strychnia.—You have been speaking now of strychnia simply dissolved and diluted; what quantity can you detect when you separate it from organic matter? If it is perfectly free from organic matter, do you mean?—I want you to give me, as nearly as you can, what is the smallest portion of strychnia when mixed with organic matter you can detect? I cannot tell you; that will depend on the nature of the matter.

The *Attorney-General*.—Take the heart of a human subject that has had one grain? Very little indeed; it is a difficult experiment, but it can be shown, and has been shown.—What portion? I cannot tell you.—A very small portion? I have no idea.

Lord CAMPBELL.—Would it be appreciated? I found it in about an ounce and a half of the blood of the dog.

Mr. Grove.—In the liver? I took an eighth part (the dog weighed about 28 lbs.) by guess; I took what I conceive to be the eighth part of the liver; the gentlemen who were with me thought it was a tenth part; and from that I had enough to make four distinct experiments with the four tests.—So that you experimented on a thirty-second part of the liver of the dog? Yes.

Mr. BARON ALDERSON.—You perceived the violet colour? Yes.—And the changing to the red afterwards? Yes, the proper passing to the red.

Mr. JULIAN EDWARD DISBROWE ROGERS sworn.—Examined by Mr. Gray.

Are you a professor of chemistry at St. George's School of Medicine in London? I am, and have been for the past sixteen years.

Lord CAMPBELL.—Where is that? In Grosvenor Place.

Lord CAMPBELL.—St. George's Hospital? No, they are schools.

Mr. Gray.—Have you made experiments on animals with a view of extracting strychnine from the bodies? I have made an experiment on one animal.—When was that? It commenced at the close of the year, and finished about ten days since.—What was the animal? A dog.—What quantity of strychnia did you give the dog? Two grains.—How did you give it to him? Between two pieces of meat.—Was it pure strychnia? Pure strychnia; two grains.—The dog died of course; did you afterwards remove the stomach of the dog and its contents, and take some of the blood? I did so.—How long after you had killed the dog? Three days.—When did the stomach and blood become putrid; how soon after you removed them? The blood in about ten days.—Did you analyse the blood with a view to find strychnia? Ten days after the removal from the body, when it was putrid.—Did you separate the strychnia? I did so.—Can you say how much you found? I cannot say by weight, but sufficient to demonstrate by three experiments that it was present.

Lord CAMPBELL.—By the colour tests? By the colour tests such as have been prescribed.

The *Attorney-General*.—Colour tests would not give you the quantity? Not any further than they were colours produced.

Mr. Gray.—Did you afterwards proceed to analyse the stomach and its contents? Not immediately.

Lord CAMPBELL.—How long after? A month or five weeks.

Mr. Gray.—What did you then do? Some other matters pressed, and I put it aside.—Had this matter become putrid before you experimented upon it? Yes; I treated it with acidulated distilled water.—What? The stomach and its contents; and the experiment was not finished, by its being put aside, till ten days since; the strychnia was separated in a large quantity.—How much? It did not give me the weight, but if I produce any large quantity of colour, that will enable me to judge, and I infer that I have got a large quantity.



Lord CAMPBELL.—By the colour tests the presence of strychnia is ascertained? Unquestionably.—But as to measure and weight, you cannot at all say? No.

Mr. Gray.—Have you ever had occasion to analyse any part of the human stomach? Not for strychnia, but for other poisons.—I will ask you this: have you heard the evidence as to the stomach and its contents of John Parsons Cook being put in a jar and sent to London? I have.—In your judgment strychnia, if it had been administered to Cook, must it have been found in the contents of the stomach? Unquestionably, I give that opinion.

Cross-examined by the *Attorney-General*.

How many experiments have you made with strychnia? Only one, on this dog.—My friend put the question as to the contents of the stomach in the jar; do you think it would make any difference if the contents were lost? If there were no contents spread over the intestines, then that would make a difference; if they had been spilt and shaken, then it would make no difference.—But supposing they were not there? There would be the washings of the stomach.

Lord CAMPBELL.—The difficulty would be an enhancement? Of course it would make a more perfect direction, if I may say so, necessary; I do not consider it a difficulty where it only enhances the trouble.

Mr. Gray.—Suppose you had none; suppose the stomach sent you had no contents? I would wash the stomach, and proceed with that.—Are you a medical man? I am.—You did not analyse any of the tissues of this body? No, I did not; the urine was lost.—You operated on the stomach and the blood? On the stomach and the blood.—You began, I think you say, in December last? I did.—If you had tried on the tissues of this deceased man's body, I suppose you would have been enabled to ascertain whether there had been any strychnia? That is my opinion.—You have made no experiment on the tissues of the body? No; I gathered from that experiment, as well as from other experiments, that strychnia would be found in a putrid body.—So that the time that has elapsed since Cook died, if you had had an opportunity to operate on it, you would have found the strychnia? If it had been there, I feel satisfied I should find it.

Lord CAMPBELL.—Do you mean then or now? I do not see that the time would prevent it.

Re-examined by Mr. Gray.

Would you expect on the mucous membrane in the stomach, even if the contents were lost, to find it? I think I know what you mean: if strychnia had been in the contents of the stomach there would be a portion of the contents smeared over the surface, and in that smeared surface, when washed, I should expect to find the strychnia.

Dr. HENRY LETHEBY sworn.—Examined by Mr. Kenealy.

Are you a bachelor of medicine and professor of chemistry in the Medical College of the London Hospital? I am a bachelor of chemistry and professor of medicine, not a bachelor of medicine, in the London Hospital.—Are you also a Medical Officer of Health to the City of London? I am.—Have you been engaged for a considerable time in the study of poisons? Yes; I have.—Have you also been engaged frequently on behalf of the Crown in prosecutions of cases of this nature? Yes, I have: I believe in every case of this kind that has been tried in this court during the last fourteen years.—Have you been present in Court during the examination of the medical witnesses at this trial? Yes, I have.—I suppose you have attended to the evidence that they gave? Yes, I have.—Certain symptoms have been described as attending the death of Mr. Cook? Yes, I have heard them.—Have you witnessed many cases of death by strychnine? Many cases in the lower animals.—One case only of the human subject? I have seen several cases of nuxvomica in the human subject, one of which was fatal.—Have you seen cases of that kind? Yes, I have.—Do the symptoms that attended the cases of animals accord with the symptoms described in this case? They do not.—In what particulars do the symptoms of animals suffering from strychnine differ from those described here? In the first place, I have never witnessed such a long interval between the administration of the poison and the coming on of the symptoms as is said to have elapsed in this case.—After the administration of strychnine poison to animals, how soon have you observed the symptoms to begin? The longest interval I have noticed has been three-quarters of an hour.—What has been the shortest? And then the poison was given under what may be termed the most disadvantageous circumstances in order to prolong the period.—What were the disadvantageous circumstances under which the poison was given? A very full stomach, and the poison given in a form not easy of solution.—What is the shortest time that you remember where the symptoms began after the poison was administered? I have seen it begin in five minutes.—I suppose you have seen many

hundreds of cases of the administration of strychnine? I will not say many hundreds of cases; I will say dozens.—What is the average time when the symptoms begin? A quarter of an hour would be the average time.—Is there any other particular besides delay in the appearance of the symptoms from which you conclude this is not a case of strychnia poison? In all the animals I have seen, and the human subject also, when under strychnine, the system has been in that irritable state that the very slightest excitement, as an effort to move, a slight touch, a noise, or a breath of air, will set them off in convulsions.—Let us assume a case; do you believe it possible that a person to whom a dose of strychnine had been given could rise out of his bed and ring a bell violently? I cannot undertake to say what is possible; it is not at all probable.—Could he pull a bell violently? I do not think it is probable.—What would be the probable effect of the vibration of the bell-pull on him? Any movement at all would excite the nervous system and there would be spasm, there would be convulsions.—Do you think a person in that state of nervous irritation could bear to have his neck rubbed? It is not likely.—Where a case of poisoning by strychnine does not terminate fatally, what is the effect on a person when the paroxysm or spasm goes off.—The paroxysm is succeeded by other paroxysms, which gradually shade themselves off; they generally become less and less, one paroxysm being less in violence than the other, over a period of some hours.—Would you fix, as near as you can, the time which it would probably take before the man gets better? My experience agrees with Dr. Christison, that it would last over a period of sixteen or eighteen hours.

Lord CAMPBELL.—Have you seen any case in which antidotes have been given? Yes, I have.—Is that morphia? That is the usual hospital practice in the cases of patients under the influence of strychnia which I have witnessed, and antidotes have been administered.

Mr. *Kenealy*.—Do I understand you to say there would not be an entire cessation of the spasms, but that they gradually go off during the time of ten or twelve hours? Yes.—Is strychnine a poison which is easily found? I do not hesitate to say it is of all poisons the most easy of detection.

Lord CAMPBELL.—Either mineral or vegetable? Yes, my Lord.

Mr. *Kenealy*.—Have you detected it in the stomachs of animals in numerous instances? Yes, I have.—Have you detected it in the blood and in the tissues? Yes, I have.—What is the period after death in which you have succeeded in detecting strychnine? The longest period after death that I have examined a body has been one month.—In what state was the animal? In a state of decomposition.—Have you succeeded in detecting very minute portions of the strychnine? Yes, I have.—What is the most minute portion of strychnine which you have been enabled to detect? When the strychnine is pure then it can be detected in a very small portion of a part, at least the 20th part of a grain.

Lord CAMPBELL.—When the strychnine is pure? Yes.—When mixed up with other matter it is more difficult? Yes, my Lord; a little during the process, but still I can detect the tenth part of a grain in a pint of any liquid that you put before me, such as broth: I have detected it in broth.

Mr. *Kenealy*.—And whether the liquor was pure or putrefied have you detected it? Yes, I have detected it in the most putrid liquor I could obtain in which the tenth part of a grain has been found.—You have told us you have succeeded in detecting it in animals which have been killed a month, and were in a state of decomposition; what is the dose you have given them? I gave the animal originally half a grain, and I have the strychnine here within a fraction of what I gave him.

Lord CAMPBELL.—What animal was that? A rabbit, my Lord.—Did this half a grain kill the animal? It did.

*The Attorney-General*.—Within how much did you say you have it? Within a very small fraction.

Lord CAMPBELL.—In what proportion? I lost about the tenth part of a grain in the course of the investigation.

Mr. *Kenealy*.—There is a question I forgot to ask you; you say, in a pint of liquid in which the tenth part of a grain was put, you operated; on how much did you operate? I operated on the whole.—From your knowledge and experience, what conclusion do you draw from strychnine not having been detected in either of the jars that were sent to Dr. Taylor?

*The Attorney-General* objected to the question.

Mr. *Kenealy*.—Supposing a person had received strychnine eight or ten days before, and that he died of the strychnine poison, should you be able positively to say that you



had detected it? I do say so positively; I have never failed.—I suppose you have made post-mortem examinations on those various animals which you have destroyed by strychnine? Yes, I have.—In what condition have you found invariably the heart? Always the right side full of blood.—Can you explain the physical reason of that? Yes; the death takes place by the fixing of the muscles of the chest in spasm.

LORD CAMPBELL.—Is that so invariably? I think so; in my opinion it is so; at that time the blood is unable to pass through the lungs, and the heart cannot relieve itself of the blood that is flowing into it; it therefore becomes gorged.

MR. KENEALY.—So much for the heart; have you observed any particular appearance in the lungs? They are congested, filled with blood.—I suppose you have administered strychnine in a liquid and in a solid form? Yes, I have.—Do you agree in the opinion of Dr. Taylor, that where strychnine is administered as a sort of pill or bolus, it kills from about six to eleven minutes? Yes, it may do so; I do not say it would always.—Was I wrong in saying that it kills, or that the symptoms begin? It may kill.—If it is administered in a pill, will it show itself in that time? It may do so.—What is the first remarkable symptom you have noticed after the strychnine begins to operate on the animal; Dr. Taylor says it falls on its side? When it is in spasm it falls on its side.—Do you agree with him that the jaws are spasmodically closed? They are so sometimes.—Do you agree with him that the slightest noise or touch reproduces another convulsive paroxysm? I have said so.—Dr. Taylor has said that the colouring tests for the discovery of strychnine are fallacious; do you agree with him in that? No, I do not.

LORD CAMPBELL.—You say they always succeeded with you? They did, my Lord.

MR. KENEALY.—Dr. Taylor has given as a reason for the non-finding of the strychnine that it is absorbed into the blood and becomes changed? I agree with its absorption, but I do not agree with its being changed.—Have you turned your attention to the theory that strychnine is decomposed after the poisoning? I have examined the tissues of the body, and I have found it; and my opinion is that it is not changed so as not to be discoverable.—You have had another reason suggested for the non-discovery of the strychnine, that the contents of the stomach were so mixed up and jumbled together; is that a good scientific reason?

The *Attorney-General* stated that the contents were not there at all.

MR. KENEALY.—Supposing the contents were put into a jar, and jumbled up with the intestines and a portion of the stomach, would that prevent the discovery of strychnine, if the person had died of strychnine? It would not.—Supposing that all the contents of the stomach were lost, ought the mucous membrane, in the ordinary course of things, to exhibit traces of strychnine? I think so.—Have you also studied the poison of antimony? Yes.—Now, supposing a quantity of antimony were placed in some brandy-and-water, and it was drunk off at a sudden gulp, would the immediate effect of that be to burn the throat, or anything of that kind? No.—Does antimony, in point of fact, to your knowledge, possess any such quality as that of immediate burning? No, not tartar emetic; not that form of antimony.—For how many years have you turned your attention to poisons? I suppose for 17 or 18 years.

Cross-examined by the *Attorney-General*.

Are you a member of the College of Physicians? No, I am not.—Are you a member of the College of Surgeons? No, I am not.—Do you carry on business in the medical line? I do not now; I do not practice medically.—Have you ever done so? I have done so.—In what capacity? In general practice; that means every species of medical practice.

LORD CAMPBELL.—For how long? Not more than two or three years.

THE *Attorney-General*.—You mentioned you used to be employed for the Crown; I believe the last case that you were employed in was some time ago? It was.—Which was that? The case of Ann Merit.—How long ago? I think it was in 1850.—1851 was it not? 1851.—Did you give evidence in that case of the presence of arsenic? Yes.—Was the woman convicted? Yes, she was.—Did you state, in addition to the finding of the arsenic, your opinion that it had been administered as recently as two hours? No, four hours.—The sentence was not carried into effect? In consequence of my having written a letter it was not: I was the cause of her being respited.—Did not other scientific men interfere and challenge the soundness of your conclusions before you wrote any letter at all? Yes.—Have you been employed by the Crown since? I have been employed on the part of prosecutions, but I cannot say whether by the Crown or not.—What is the reason of that? There has not been a case that I know of.

MR. JUSTICE CRESSWELL.—I was present at the trial of Ann Merit, and I perfectly remember it.

*The Attorney-General.*—The whole question turned on the accuracy of the opinion as to how lately the poison had been administered: you were the only scientific man examined? I was the one who detected the poison and gave my opinion, and I still hold that opinion, and stated that in my letter: the question was put to me as to the possibility of anything else: I did not speak of possibilities, I spoke of probabilities.—How many animals have you destroyed by means of strychnine? I cannot tell; it has spread over a long period; pretty well on fifty, I suppose.—Recently? Some recently; some within the last two months, I think.—What doses have you given? Never more than a grain.—In what form have you administered them?—In these recent cases? I suppose you limit my attention to those?—Yes. Always in a solid form; sometimes made into a pill with bread, and at other times put on the tongue of the animal.—I suppose it would operate sooner if put on the tongue? I am not sure of that; because it adheres to the tongue and does not get absorbed so soon, from the circumstance that there is no acid.—Still a pill would have to be dissolved? I think it would be shorter, because it gets into the acid surface, and is more speedily acted upon by that which is capable of producing the dissolving of it.—In one case, you said, you put the poison into a form which was not easy of solution: in what case was that? In the case where I gave it under the disadvantageous circumstances. the dog had had a very hearty meal, and it was kneaded up into a hard mass and with some bread, and it took three quarters of an hour before the action came on.—Can you tell us whether the dog swallowed it? I never allow them to take it voluntarily: I always open their mouths and put it into the throat.—What has been the longest case after that between the interval and the administration? I do not remember an animal: yes; there was one other which took about half an hour, but the poison was not given in sufficient quantity.—How was that given? In a solid form, and it did not manifest an action, and we gave it another dose.—What was the amount of the dose? Half a grain; and we gave it another dose.—Within how soon did that act? About ten minutes.—With regard to what was said by Dr. Nunneley, as to the symptoms, have you noticed the same thing? I have noticed the irritability of the animal before it is convulsed: he talks of the ears twitching.—What he describes is this: first, a desire to be still, then a difficulty in breathing, a slabbering of the mouth, twitching of the ears, trembling of the muscles, and after that followed by convulsions; did you observe all these? I cannot say all of them in that order: there is an excitement manifested in the animal, an indisposition to touch, and trembling on being touched.—I am speaking of the symptoms before the convulsions; the touching, did that occasion a tremulous action of the muscles? Yes, I have noticed that.—Have they come on in regular order? No, I think not.—Sometimes one set in one animal and another in another very much varied? Not very much; but there are those little variations.—After the convulsions have once commenced, is there an interval? Yes.—Then, if I understand you, a breath, a sound, or a touch, will cause a recurrence of the convulsive symptoms? Yes.—That is after they have been seized? Yes.—That would not apply to a case where the animal died in the first paroxysm? Certainly not.—Have you known an instance where an animal has died in the first paroxysm? Many.—You mentioned that there is a distinctive feature in this case of Cook, that you were surprised at his manifesting so much power as to be able to sit up in bed and ring the bell: are you aware that that was at the first commencement, before any of the convulsive symptoms had set in? Yes, I apprehend that was at the onset or beginning, as it were, of the paroxysm.—This was before the convulsive spasms began: do you know that he sat up in bed and rang the bell, and it was not until Palmer had been and had gone back, and brought the pills, that the convulsions came on? Yes, I do; and I have noticed in animals that the mere touch sends them into convulsions, and they show an indisposition to move.—Did you hear about the lady who died near Romsey; did you hear what the maid said that first she discovered, when her mistress's bell rang violently, that she had got out of bed and was sitting on the floor?—It struck me as inconsistent with what I have seen.—Have you any doubt that was a death from strychnia? Not at all.—If that evidence be true, and it is a fact that she got up and rang her bell, does not that shake your faith? But at the same time it is not consistent with what I have seen.—I ask you whether that fact does not shake your opinion? No, it does not; you must compare it with what I have seen: I tell you that both of them are irreconcilable with what I have seen.—Yet you know this lady died from strychnia? I should think so, I have no doubt of it.—With the exception of the symptoms which came on at a longer period after the supposed administration of the poison, a longer period than you have ever known, is there anything to distinguish these symptoms after the attack from the symptoms of tetanus from strychnia? Yes, on the Monday night.—I am speaking of the Tuesday? One part of my distinction was, that when a fit of tetanus from strychnia manifested itself, if the individual did not die, there was a gradual shading of the symptoms.—I am speaking of the Tuesday night: with the exception of the ringing



of the bell, and that in this case it was an hour or an hour and a half: can you point to anything to distinguish the symptoms and death of Mr. Cook from death by tetanus of strychnia? No, I cannot: it is inconsistent with what I have seen, but it is not inconsistent with what I have heard in the case of Mrs. Smyth.—Is not one of the symptoms hard breathing? It is a panting respiration: it is excitement of the breathing rather than difficulty: it is not an early symptom, it is in the convulsions that there is a difficulty of breathing; if a man were to breathe hardly it is a position naturally assumed for him to sit up.—Until the convulsions of the muscles come on is there anything to prevent the patient from sitting up? Nothing at all.—If I understand you, if I except the delay and the fact of his sitting up in bed and crying for help, is there anything to distinguish the convulsions under which this man suffered and died from the convulsions of tetanus by strychnia? Do you mean the fit of the Monday night?—I am speaking of the Tuesday. It is not perfectly consistent with strychnia because I say that the account which is given of Mrs. Smyth is what I cannot reconcile with what I have before observed.—With regard to the abrupt termination, instead of the gradual subsidence in the cases where you have observed, in animals where the full dose is given? And on the human subject also, I am speaking from my experience: there was a man——.—What dose had he taken; do you know? The dose would be nearly a grain and a half of strychnia.—That is a strongish dose, is it not? Yes.—You might expect a recurrence of the paroxysm? Certainly: the subsidence will not depend on the strength of the dose, it will depend on this whether the individual is to recover or not: I have seen four or five instances of recoveries; and at the time Dr. Pereira was making his experiments administering strychnia, I have seen people under full doses of strychnia; therefore I am speaking of what I have known done, because they were treated with so large a dose, which consisted of a grain and a half of strychnia in the course of a day.—That would keep up the recurrence of the symptoms? He ceased when he found they were under its influence: the dose was stopped then.—You had been working them up to that point? The effect does not manifest itself in the small dose.—When did you give them a larger dose? It is possible it may be the other portion is carried away from the system.—Is it not generally known that the effect of strychnia is very varied in different individuals? No, I do not think so: I think there is great uniformity in the attacks of strychnia: there would be a little variation in time, but in the main features of the case there is no variation.—Do not you find this difference, that from the same dose in the same species you get no paroxysm, or you get a series of paroxysms terminating in death? Yes, that is true; but the attacks are the same for all that: the symptoms are the same.—What do you say about the Sunday night fit? I was disposed to think it was a fit: I cannot tell you what it was, I have formed no opinion.—What do you ascribe Mr. Cook's death to? It is irreconcilable with everything I am acquainted with.

Lord CAMPBELL.—Is it reconcilable with any known disease which you have ever seen or heard of? No, my Lord.

Re-examined by Mr. *Serjeant Shee*.

You say it is not reconcilable with anything you have ever heard of: do you mean to say it could not be the result of any variety of convulsions, however violent, though not classed under a particular description of convulsions? In order to answer the question I must tell you we are learning new facts every day, and I do not conceive it to be impossible that some peculiarity of the spinal cord, unrecognizable except the examination be made immediately after death, may produce symptoms like these.—When you say it is irreconcilable with anything you have heard of, do you include anything you have heard of strychnia poison as well as anything else? Certainly I do.

Lord CAMPBELL.—That is natural disease or poison? Or poison, my Lord.

Mr. *Serjeant Shee*.—Is the vomiting of the pills just before death inconsistent with what you have known and observed of strychnia poison? It is not consistent with anything I have observed.—You have been asked whether in the interval between the fits of an animal under the influence of the strychnia poison touching it does not bring a paroxysm on: have you tried and ascertained whether if you touch an animal which is beginning those minor premonitory symptoms, but which as yet has had no paroxysms, will the touching it at that time bring the paroxysms on? Yes.

Lord CAMPBELL.—That is before the paroxysms? Just so, before the paroxysms come on.

Mr. *Serjeant Shee*.—Was not the Romsey case an exceptional case from the manner in which the strychnia was administered and the quantity of the dose? Yes, it was.—Would not, in your judgment, the ringing of the bell by the lady the moment she felt anything of uneasiness produce the paroxysm which ultimately was observed?

Precisely so; that it is quite consistent with all I am saying, that a movement would excite a paroxysm.—In your judgment, is it safe to argue from the symptoms of a case in which the paroxysm took place only a few moments after the ingestion of the poison, and it was in a fluid state, what may be the probabilities of another case? No.—Does it appear to you there can be a difference in the main features of the two cases, supposing there had been strychnine poison given to Cook, as to the matter of its administration and the time which has elapsed? No.—In the Romsey case the poison was administered in a liquid, and the paroxysms took place within 10 minutes; is it safe, in your opinion, to argue of the symptoms that occurred in that case as to what might be the nature of the malady in this? With regard to the great features, they are the same in all instances; the mode in which it is administered, in a fluid or a solid form, will make a difference in the time of the operation, but not in the nature of the operation.—You have been asked about this matter of discussion respecting this Merritt case: are you still of opinion that the evidence you gave on that trial is correct? Certainly; I have not altered my opinion.—Are you aware of there being any ground of imputation on you in reference to that matter? Not the slightest.—Have you any ground for supposing until this moment that there was any displeasure on the part of Government? I know of none; I have been on the prosecution side in cases, and I very much think the Crown has been the prosecutor; it came to my knowledge after the trial that other gentlemen differed from my opinion, and I answered their objections; Dr. Pereira came to the laboratory and said, Save this woman's life if you can by admitting a possibility of its being otherwise; and I said, I have no objection; that letter was taken to the Secretary of State, and within one hour the respite came; it was an act of mercy on the ground of the possibility of error.—You wrote a letter to the Secretary of State, admitting the possibility that you might have been under a mistake? No, he asked me, as an act of mercy, to write a letter to him, to be shown to the Home Office, to admit the possibility of the poison we found in the stomach having been administered longer than four hours before death; I wrote a letter, and in admitting that, drew an instance of what would be possible but not probable; I do not know whether I can tell you what that instance was.—Never mind that.

Lord CAMPBELL.—The woman was pardoned?—No, my Lord, transported for life.

Mr. ROBERT EDWARD GAY sworn.—Examined by Mr. *Serjeant Shee*.

I believe you are a Fellow of the Royal College of Surgeons? I am a Member, not a Fellow.—Do you remember attending a person of the name of Foster, suffering under tetanus? I do, in 1855.—Will you state the symptoms of the case and the course of the malady, and its cause, as far as you know it? I was called to Foster on the 2nd of October, 1855; he had an inflammatory sore throat, muscular pains in the neck and the upper portion of the vital vertebræ; he was feverish, and he had the usual symptoms attending a catarrh; I put him under the usual treatment of salines and aperients, also using embrocations externally to the muscles of the neck and throat; I also prescribed gargles for him, which he used; on about the fourteenth day, as nearly as I can remember, the muscular pains extended to the face; a difficulty of swallowing came on, the pains in the muscles covering the vital vertebræ became increased, as also did those of the face in the lower jaw; in the evening of that day the jaw became completely locked, the pain came on in the muscles of the bowels, the same in the legs and the arms; he became very much convulsed throughout the entire muscular system; he had frequent and violent convulsions of the arms and hands, and afterwards of the legs; the difficulty of swallowing increased up to the ninth or tenth day; not a particle of food either solid or liquid could be taken, or introduced to the mouth; and an attempt to swallow the smallest portion brought on the most violent convulsions; the convulsions were so strong throughout the whole system, that I could compare him to nothing more than a piece of warped board in shape; the head was drawn back, the bowels were forced forward.

Lord CAMPBELL.—The abdomen? The abdomen was forced forward, and the legs were frequently drawn upwards and backwards; the attempt of feeding with the spoon, the opening of the window, or placing the fingers on the pulse frequently brought on violent convulsions; he complained of great hunger.

Mr. *Serjeant Shee*.—He could speak? He was able to speak; he repeatedly cried out, "he was very hungry, what could he do if he could not eat?" and he was kept alive till the fourteenth day by injections of a nutritive character; he screamed during these convulsions, and the noises he made were more like those of a dying man; about the twelfth day he became insensible; the convulsions, although very weak, continued till the fourteenth day, when he died.—Did you ascertain how long he had been affected with a sore throat? He was by business an omnibus condactor; he had been ill some few days, it



might be a week; he had no other hurt or injury to his person of any kind which would account for these symptoms; his body was not examined after death.

Lord CAMPBELL.—What do you call the disease? I call it inflammatory sore throat from cold and exposure to the weather; the symptoms became tetanic in consequence of an extremely nervous and anxious disposition; he had a very large family, and was a very hard-working man; I did not hear the evidence of the witnesses who described the symptoms of Mr. Cook.

Cross-examined by the *Attorney-General*.

This is what is called idiopathic tetanus? Yes, decidedly so. I have had a vast number of cases of inflammatory sore-throats, and a great many anxious, nervous patients. This is the only case I have ever seen of idiopathic tetanus.—If I rightly apprehend your history of the symptoms, the disease was altogether progressive in its character; and although there was an occasional remission of the more painful symptoms there never was a full cessation of the symptoms? He was not suffering from tetanic affection; there was a twitching of the muscles going on, but there was not that violent convulsion; there was an intermission of the violent symptoms, but still the twitchings going on more or less: the lockjaw was the first of the more aggravated symptoms that presented itself; the muscular spasms about the trunk of the body progressing onwards to the extremities: he was conscious until the tenth day, when insensibility supervened while the convulsions were upon him; I consider the brain had been affected and congestion had taken place, and that produced insensibility.—After that was there some diminution in the severity of the convulsions? Very great diminution, but they still continued.—Would that be likely to take place from the constant recurrence of the convulsions? From the constant recurrence of the convulsions the brain would be congested.—You would expect to find a difference in that respect in a case where a man died very early in such a disease than if it were spread over a longer period? That would depend greatly on the violence of the convulsions.

Lord CAMPBELL.—And the repetition? And the repetition.

*Adjourned till to-morrow, at 10 o'clock.*

## NINTH DAY'S TRIAL.

MAY 23, 1856.

Mr. JOHN BROWN ROSS sworn.—Examined by Mr. *Grove*.

You are house-surgeon to the London Hospital, I believe? I am.—Do you recollect a recent case that was brought into the hospital? Yes.—When? On the 22nd of March.—Will you state shortly what you saw of that case? It was brought to the hospital about half past seven in the evening, a man aged thirty-seven, a labourer; he had had one paroxysm in the receiving room of our hospital before I saw him; he had a rapid but feeble pulse, breathing quickly though not laboriously; the jaws were closed and fixed, there was an expression of anxiety about the countenance, and the features were sunken; he was unable to swallow, the muscles of the abdomen and back were somewhat tense: after he had been in the ward about ten minutes, he had another paroxysm and opisthotonos, which lasted about one minute; he was then quiet for a few minutes, he had then another and died, he had only been in the hospital about half an hour.—Was there any inquest held on the body? There was.—Was the body examined? It was.—Was any poison found? None, the stomach was examined by Dr. Letheby.—To what do you attribute the cause of death? Tetanus.—How brought on? There were three wounds, two in the back of the right elbow about the size of a shilling each, and one of the left elbow about the size of a sixpence. The man told me he had had them about twelve or sixteen years.—Of what nature were they? They were old chronic indurated ulcers, circular in outline, the edges thickened round, undermined and covered with a dirty white coating without any granulations.—What produced those ulcers? That I am unable to say.—Can you form an opinion of the nature of the disease at all? I have seen other wounds like them in different parts of the body.—What were the other wounds that you say you have seen like them? I have seen old chronic syphilitic wounds in the legs similar to those in the elbow, but I cannot say that these were so.—What brought on the tetanus? These wounds were the only things to account for tetanus. There was no other cause found.

Cross-examined by the *Attorney-General*.

His wife came with him? She did.—Did you learn from her whether anything had been applied to this ulcer? A poultice, I believe.—At what time, did you hear, had the poultice been applied? I think it was a day or two before, I am not certain.—Did you happen to learn from her whether she had objected to the application of the particular poultice? I believe she did; she said so.—Did you ascertain what sort of poultice it had been? Linseed meal.—If I caught aright what you said was, the jaws were completely fixed when he came? They were.—So as to render him particularly incapable of swallowing anything? Yes.—Did you learn from him when he had first been taken with any symptoms about the jaws? He said at dinner that morning about eleven o'clock.—Do you know whether he had not said early in the day? He told me dinner, although he told my colleague breakfast.—Did he fix the same hour to both? I do not know the hour; he told me dinner at eleven o'clock.—He told your colleague breakfast? Yes.—He was able to speak? Yes.—Although he could not open his jaw? Yes.—That is the case, I believe, with cases of tetanus? Yes.—Were there also symptoms of rigidity when he was brought in about the abdominal and lumbar muscles; did you learn from him how long this rigidity had been coming on? Not further than that the first symptoms of the illness he had felt were that morning.—Do you know whether he had told you how long he had felt this rigidity about the neck? No, he did not say.—I suppose his coming to the hospital was the first time that any medical man had anything to do with the case? I believe another man had seen it; I gathered from the wife, the parish surgeon had.—At what time? It was in the afternoon.—He was a poor man? Yes, a labouring man.—Is it the fact, as far as you gathered from her, that the case in the afternoon had been such as to cause uneasiness, and to make them wish for advice? Just so.—Have you any doubt, looking at the ease from all this information and from the symptoms, have you any doubt that the disease had been coming on from the morning? I have no doubt at all.—Though you cannot speak as to the precise character of these sores, were they ugly sores? Yes, certainly; sores of a chronic character.—Ulcers? Yes.—You say there were two on one elbow? On the right elbow.—About the size of a shilling each? Yes.—Were they perfectly running into one another? Yes, they were, a piece of integument connected the two.—So that they would be likely to run into one another eventually? Yes.—You mentioned those sores were undermined; I am not sufficiently acquainted with your terms to know what that means? I mean that the wounds continued under the skin.—There were no signs of healing? None.—Had they the appearance to you of having been neglected? They had.—Old neglected sores? Just so.—Were they near the site of any particular nerve? They were.—The ulnar nerve? Yes.—Is that a sensitive nerve? Very.—Connected with what we call the “funny bone” in common parlance? Yes.—How soon, do I understand you, was he seized with the first paroxysm after he came in? He had one directly he came to the hospital, but I did not see it.—And then I think you said half an hour from that time he died? Yes.—Had he had any paroxysm before he came to the hospital? I believe he had, all the afternoon.—That was not one continuous paroxysm? No.—You say he had opisthotonos and convulsions of the muscles; he had convulsions of the muscles of the legs and arms? There was a twitching of the muscles of the legs and arms.—You say he died from tetanus; what are the particular symptoms of the case to which you refer as indicative of death by tetanus? From the tetanic symptoms and from having wounds.—Put aside for the moment the fact of his having the wounds that would lead to that inference, what were the symptoms that manifested themselves previous to, or concomitantly with, death which you would call tetanic? The tetanic symptoms there are the lock-jaw and the muscles of the abdomen and the back also being rigid; and he complained of pain in his stomach.—Do you mean internally? In the stomach, just over the stomach.—Did you hear the account given of the symptoms of Mr. Cook’s death? No, I did not.

## Re-examined by Mr. Grove.

Was strychnia suspected in this case before the body was examined? It was.

The *Attorney-General*.—Would an affection of the particular nerve we have been speaking of be peculiarly calculated to produce tetanus? Decidedly.

Mr. Grove.—Are the nerves of the tongue very delicate nerves? Yes.—And the throat and fauces? There are very delicate nerves there.—Were you here yesterday when a case was described of an injury in the throat; a sore throat that caused tetanus? I was.—Are you of opinion that an irritation of the nerves of the throat would cause tetanus as well as the other nerves? That was produced by exposure to cold, it was therefore idiopathic.—Would an injury to any delicate nerves be a cause of tetanus? Decidedly.



Mr. RIVERS MANTELL sworn.—Examined by Mr. *Gray*.

Are you one of the surgeons of the London Hospital? I am.—Did the case that has been mentioned by Mr. Ross come under your care also? It did.—Did you see it through its progress? I did, during the time it was in the hospital.—Did you hear Mr. Ross describe its symptoms? I did.—Was that description accurate? It was.—Did you also hear him describe the wounds in the arm? I did.—According to your observation, was that description also accurate? I have said so.—What is the disease which he had? Tetanus.—Did you form a judgment as to what cause produced the tetanus? I did.—What? The sores on the arm.—I think Mr. Ross stated the time he was in the hospital; do you agree with him? I do; half an hour.—Is there anything which you observed which you wish to add? There is a little discrepancy about the time; the man told me himself they commenced whilst he was at breakfast, but he did not state the hour: to Mr. Ross he said while he was at dinner, at 11 o'clock.

Dr. FRANCIS WRIGHTSON sworn.—Examined by Mr. *Kenealey*.

Were you a pupil of Liebig? I was.

Lord CAMPBELL.—Where? In Germany.

Mr. *Kenealey*.—And are you an analytical chemist, and teacher of chemistry at the school of chemistry at Birmingham? I am.—In your chemical practice have you studied the nature, and acquired a knowledge, of poison? I have.—And have you been employed by the Crown in offences where poisoning is charged? I have been engaged by the Crown in a case for a prosecution.

Lord CAMPBELL.—Employed as a witness? To detect the poison.

Mr. *Kenealey*.—Were you employed by the Crown to detect the supposed poison in that case? I was.—Have you made experiments in various poisons? I have.—And amongst the rest strychnia? I have.—Have you found any extraordinary difficulties in the detection of strychnia? I have not found any extraordinary difficulties in the detection of strychnia.—In your opinion is it a poison detected by the usual tests? Certainly, it is.—Have you discovered it in pure as well as in impure matter? I have detected strychnia pure, and I have also discovered it when mixed with impurity, after having separated it from the impurities.—Do you mean by impure, corrupted matter? I do.—Can you enumerate any of the kinds of corrupted matter in which you have discovered strychnia? I have detected it in the mixture of bile, bilious matter, from putrefying blood.—Have you turned your attention to the question whether strychnia can be discovered in the tissues? I have; it can.—Can you mention any case in which you have so discovered it? I have discovered it in the viscera of a cat poisoned by strychnia; also in the blood of a dog poisoned by strychnia; also in the urine of another dog poisoned by strychnia.—Have you heard the theory propounded by Dr. Taylor as to the decomposition of strychnia by the act of poisoning? I have.—Are you of opinion strychnia undergoes decomposition in the act of poisoning? I am of opinion that it does not.

Lord CAMPBELL.—In the act of poisoning or entering into the circulation? Yes.

Mr. *Kenealey*.—If it underwent such dissolution or change as that, would it be possible to discover it in the tissues? If it underwent what?—If it were decomposed in the act of poisoning, would it be possible to discover it in the tissues? I should say not; it would probably be changed into a substance in which it could be discovered.—Have you ascertained by experiments in what minute quantities you can discover portions of strychnia? In extremely minute quantities indeed.—You mentioned two or three cases in which you poisoned with strychnia, what were the doses you gave in those cases? The case I first mentioned, the detection of strychnia in the blood, two grains were given to the dog.—What portion did you give to the other animals? One grain was given to the second dog in which we detected it in the urine.—And what to the cat? Half a grain was attempted to be administered, but a considerable portion of it was lost, was spilt.—Assuming that a man was poisoned by strychnia, and that his stomach and a portion of his tissues were sent within eight, or nine, or ten days after death for analytical examination, do you as a chemist say you could discover the poison of strychnia in his remains? I should have no doubt whatever in saying so.

Lord CAMPBELL.—Generally if a man be poisoned by strychnia you would expect to find it? Yes.

Mr. *Serjeant Shee*.—Do you confine it to generally? In the case stated by Mr. Kenealey that if a man had certainly been poisoned by strychnia I should as certainly expect to discover it.

Mr. *Serjeant Shee*.—Not generally, but certainly.

Cross-examined by the *Attorney-General*.

Suppose the whole of this poison to be absorbed, where would you expect to find it? In the blood.—Does it pass from the blood into the solids of the body? Allow me to explain here by passing into the solids of the body; I should rather say it is lost in the solids of the body.—What I mean to ask you is this: in its progress to its final destination, the destruction of life, does it pass from the blood, or is it left by the blood in the solid tissues of the body before it produces that effect? I cannot tell.—The sum and substance of what you say is this: if it be present in the system you would find it in the system; if it be present in the blood you would find it in the blood; if left by the blood in the tissues you would find it in the tissues: suppose it has passed from any one of these stages into the other, then you would no longer expect to find it? I cannot say that.—Will you undertake to say, if it has passed from the stomach by the absorbents in the blood, the whole dose, and passed into the circulation, would you expect to find it? Decidedly so.—If the whole dose were gone into the circulation? Yes, because I believe it exists as strychnia in the blood.—Suppose the whole dose to have been taken up by the absorbents, and passed into the circulation, do you say you would still expect to find any of it in the stomach? Only that portion; in order to be absorbed it must be dissolved, and a portion of the fluid which surrounds the coats of the stomach, in that portion which so surrounds the coat of the stomach, I should expect to find it.—Suppose the whole to be absorbed? Then I should not detect it.—Suppose it has been eliminated from the blood and passed from the system? If the whole of it had passed, do you mean?—Yes. Certainly not.

LORD CAMPBELL.—You would expect to find it elsewhere, not in the stomach? Yes.—You would expect to find it in the blood? In the blood and in the tissues.

The *Attorney-General*.—My question only supposes the minimum of the dose that will destroy life to have been given; and supposing that to have been absorbed into the circulation and there deposited in the tissues, or part of it eliminated by the action of the kidneys, would you know where to search for it? I should search for it both in the blood and in the tissues, and in the ejecta of the kidneys; and from my experiments, I should expect to find it in each of them, in case the urine was ejected during the time of poisoning.

Re-examined by Mr. *Serjeant Shee*.

Supposing you knew a man to have been killed by the poison of strychnia, supposed to be administered to him an hour and a half before he died, in your judgment would that certainly be detected in the stomach in the first instance? Yes.—Supposing it to have been administered in the shape of pills, would it by that time have been all absorbed and circulated in the system so as to get out of the stomach? I cannot tell.—If it were so, I understand you, you would find it in the blood, the liver, and the spleen? Yes.—Could you form an opinion whether it could be detected under these circumstances on the coats of the stomach? Not knowing the dose administered and the powers of absorption, I cannot say with absolute certainty it would be detected, but I should think it in the highest degree probable if a moderate dose had been administered.—My question was on the coats of the stomach? Yes.—Could you form any opinion from the fact that death had taken place after one paroxysm, and in an hour and a half after the ingestion of the poison, whether it was a considerable or an inconsiderable dose? I cannot give a decided opinion.

LORD CAMPBELL.—I cannot allow this gentleman to leave the box without expressing my high approbation of the manner in which he has given his evidence.

MR. BARON ALDERSON.—How do you suppose strychnia kills when it is taken into the system? I cannot form the slightest opinion.—It goes from the stomach into the blood, and from the blood somewhere else; and on arriving at that somewhere else it kills: could you determine, without examining the whole of the body, where it was? I should think, by an examination of the blood as well as the stomach, that I ought to satisfy myself of its presence.—It goes into the blood, and then goes somewhere else to kill: if it is absorbed, where should you expect to find it? That is a point to which I cannot speak.—Does it not result you cannot tell unless you examine the whole body? Not precisely, it ought to be found in the blood.

MR. RICHARD PARTRIDGE, sworn.—Examined by Mr. *Grove*.

You have been for many years in practice as a surgeon, I believe? I have.—Have you had an extensive practice? Yes.—Are you professor of anatomy at King's College? I am.—Have you heard the evidence in this question as to the symptoms of Mr. Cook? I have.—And as to the post-mortem examination? I have.—Did you hear that portion of the evidence which mentioned the examination of the spine? I did.—What is your



opinion as to the necessity in a case of convulsion of examining the spinal cord after death? Of course it is most important.—Did you hear the statement as to the gritty granules that were found? I did.—Would such granules be likely to cause inflammation of the arachnoid membrane? They would.—Would such inflammation have been discoverable if the spinal cord had been examined shortly after death? It would; perhaps you would allow me to add to the spinal cord its membranes: I included them in my mind though I did not mention them.—If examined nine weeks after, would it be likely to be discovered? It would not.—Would such inflammation, if it existed, of the granules, would that be capable of producing tetaniform convulsions? I have not seen such a case, but such cases are undoubtedly on record.—Is there a medical term for such inflammation of the arachnoid? Yes, meningitis, or inflammation of the membrane; arachnitis or meningitis sometimes.—Does that disorder produce convulsions and death? It does; I should say not universally, it sometimes does not result in death.—Spasms of the muscles? Yes.—Opisthotonos? Yes.—Could you form any opinion of the case you have heard as to the cause of death?

Lord CAMPBELL.—What case?

Mr. Grove.—Mr. Cook's case; could you form any judgment as to the cause of death in Mr. Cook's case? I could not form any positive judgment.—You have heard the evidence as to the state of contraction after death? I have.—Could you form any judgment as to whether that is an ordinary feature; are you aware deaths from natural causes sometimes present the same features? There is every variety in that respect; no conclusion can be formed of the degree of contraction, or the kind of contraction, that I heard described.

Lord CAMPBELL.—By no conclusion, do you mean no inference at all? None.

Mr. Grove.—From the contracted state of the body after death? Exactly; I speak merely with reference to the symptoms I heard described during this case.—Supposing that the body after death is contracted and rigid, and that there is a great degree of rigidity, may that not afford an inference that he died from tetanus without at all knowing that he was poisoned? If I find the back curved and the body resting on its back and feet after death, I should infer that he died of that form of tetanus which convulses the muscles of the back.—You would suppose he died from tetanus? Yes.—You were going to say every variety of form or every variety of rigidity? Various degrees and varieties of rigidity occur after a natural death.—The clenching of the hands or the semi-bending of the feet, is that uncommon in cases of ordinary death? Very commonly; the half-bent hand and fingers are not uncommon in natural death.—The arching of the feet, is that not unusual? The feet are generally pointed, with a degree of arching, though from this description I should say rather more than usual.

Lord CAMPBELL.—You are asked as to arching of the feet? Arching of the feet is met with not unfrequently.

Cross-examined by the *Attorney-General*.

Where did you understand these granules, from which you say arachnitis might have proceeded, were situated in the dead man? If I understood rightly, they were situated in the inner surface of the fibrous investment of the cord.—In the inner surface? I understood so.—Are the granules in the human subject occasionally found in these parts? Do I understand you as a healthy appearance?—Take it either way? Not commonly.—They are symptoms? They are symptoms.—I think I understood you to say that arachnitis, producing convulsions, has never come under your own personal observation? Yes.—Has this disease, arachnitis, come under your observation without producing convulsions?—It has not satisfactorily.—It is a very rare disease? It is rare.—You say there are recorded cases of it; are you enabled to state from those recorded cases the course of the symptoms of the disease? No.—Do not you know it to be a disease of considerable duration? The cases have varied in duration.—What about has been the period of the maximum and the minimum? Commonly days, at the shortest.—Is it accompanied with paralysis?—If they live.—Does it produce any effect upon the brain by sympathy? Not manifestly.—How do you mean? Not recognizable after death.—Does it produce any effect on the brain not prior to death?—I do not quite understand the question.—Would it, considering the connexion that there is between the spinal cord and the brain, would it affect the brain by sympathy, or otherwise, prior to death? No.—Do you happen to know whether it is attended with loss of sensibility before death? I do not.—In these cases, where granules have produced arachnitis, do you happen to know whether the granules have been considerable in point of size?—It has varied in different cases.—Suppose them to be very small and minute? I should think there would be less likelihood of their producing inflammation.—Suppose an examination after death, at a longer interval than nine days

after death, failed to detect the presence of the inflammation of the arachnoid; supposing the examination to take place at a longer period after death, that the appearance of the spinal cord and its integuments had not undergone any decomposition, and that the appearance was perfectly healthy, should you be warranted in inferring there was inflammation?—I think so; I should not conclude there was inflammation.—You find it in its complete form, and find no trace of an inflammation of the spinal cord; you would not feel yourself warranted in inferring it? Certainly.—I will put another period short of decomposition: supposing the body examined, and the decomposition had not commenced, and in fact no trace of inflammation in that part, would you be wrong in inferring any? You are putting an impossible question: the spinal cord would not remain in its integrity after that period.

Lord CAMPBELL.—The limit of time is prior to decomposition; that is your terminus.

The *Attorney-General*.—Suppose in that case you see no inflammation, would you be warranted in inferring it? No.—Now, this examination was made, you know, by four medical men; should you be of opinion that they would be competent judges as to whether decomposition had taken place?

Mr. *Serjeant Shee* objected to the question.

The *Attorney-General*.—I think you said that the shortest period that the arachnitis occurred was a matter of days? That is my impression.—Does it not sometimes extend to a matter of months? Where the dose does not kill.—I am speaking even of where it extends to death? Not unless it terminates in palsy.

Lord CAMPBELL.—You are asked how long it might last? It might go on for months.

The *Attorney-General*.—Does it not affect the patient by a series of convulsions at recurring intervals? That varies.—Did you ever know, or did you ever hear of or read of a case in which the patient died after a single convulsion of arachnitis? Not a single one.—What would be the concomitant symptoms; would it affect the rest of the patient, or affect the general health? I cannot say.—Do you believe that a man could have twenty-four hours of complete repose? No.—What, in your judgment, would be likely to be the symptoms produced, independently of convulsions, by inflammation of the spinal cord. I have no personal knowledge.—What would you *a priori* expect to find from such a disease? Great pain.—Where? In the back sometimes; but I have no professional knowledge.—I am wanting to see what we may admit; what would be *a priori* the symptoms you would expect besides the convulsions which, you say, may proceed from arachnitis? Pain and spasm and palsy.—Palsy would come on last, taking the natural course; supposing convulsions occurred, in the intervals between those convulsions would the health of the system be in any degree effected? I am not aware.—Can you form no judgment? I cannot answer that.—In the interval between the convulsions could he be quite well? No.—What would be the matter with him? Pain and uneasiness.—Pain and uneasiness where? According to where the convulsions were situated, according to the situation of the muscles convulsed; the back usually.—You would not expect complete repose from convulsions for a period of twenty-four hours? I should not.—You have heard the symptoms, and I presume you have heard from the midnight of Monday till Tuesday Mr. Cook had complete repose; I now ask you if, in the face of the Court and of the profession, you will undertake to say that Mr. Cook's death proceeded from arachnitis? I should think not; the majority of the symptoms do not show arachnitis.—You mentioned that there were one or two of the appearances after death in Cook's case, which would be common to other cases, the semi-closing of the hand: did you ever know, except in a case of tetanus, the hand is completely clenched so (*illustrating it*), so as to require force to take the fingers away from the hand? No, I do not.—Have you ever known it happen in a case of idiopathic or traumatic tetanus? Clenching the hand?—Have you ever known the hand so clenched that the fingers were bent down into the hands; have you ever known that in idiopathic tetanus? I have never seen a case of idiopathic tetanus.—Traumatic tetanus; I suppose you have seen a case of traumatic; did you ever know the hand so clenched in traumatic tetanus? I have seen the hand clenched completely to that extent.—Have you seen the hand completely clenched like that (*illustrating*)? Not so much as that.—So as to require force to open the fingers of the hand? They often require a great deal of force to be straightened.—One word on arching of the feet: you say the arching of the feet occasionally takes place in death? It does; I have noticed it.—Have you ever known the feet to be so distorted as to be described by a medical man as assuming the form of a club foot? Never.—Did you hear the description given by Mr. Jones, that when this man died the body was bowed, so that, if he had turned it from its



side upon its back, it would have rested on its head and on its heels? I did.—Have you any doubt that that indicates death from tetanus? Not from that form of tetanic symptoms.—Are you acquainted with the symptoms that accompany death from tetanus resulting from the administration of strychnia? Only by reading and hearsay.—From your knowledge of the subject, having attended to the symptoms described by Mr. Jones from the moment the paroxysm set in of which Mr. Cook died, and the symptoms and appearances attending his death, does it appear that those symptoms are consistent with death by strychnia? Some are consistent and some are inconsistent.—Tell which are inconsistent? The long interval which occurred after the taking of the poison.—What I am asking you is, whether these symptoms, from the time the man was taken with the paroxysms of convulsions of the muscles of the trunk, of the legs, and of the arms—the bending of the body into a bow—the difficulty of respiration—

*Mr. Serjeant Shee.*—You must take the beating with the hands and the sitting up.

*Mr. Attorney-General.*—They do not occur on the Tuesday night: I am fixing him to the symptoms described by Mr. Jones, whether these symptoms are consistent with what you know of death by strychnia? Quite.—You have known cases of traumatic tetanus: from your own experience, do you agree in the description that has been given by various witnesses that the symptoms come on gradually and progressive; that, although they are remitted, the disease is never wholly intermitted? I do.—What is the shortest period in which you have ever known the disease of traumatic tetanus run its course to death? Never under three or four days, within my experience.—Suppose a case could be described as of shorter duration, such as a day or a few hours, would your medical experience lead you to infer that the premonitory symptoms had very likely been neglected? I should consider that probable.—You had never, if I understand you, witnessed a case of death from strychnia either in animals or in human life? Never a complete case.—I will ask you this before I sit down: bearing in mind the distinction between traumatic and idiopathic tetanus and a case such as has been here described, I take the liberty of asking you, in the whole course of your experience or knowledge have you ever seen such a death as this, with the symptoms that have been mentioned, proceed from natural causes?—No.

Re-examined by *Mr. Grove.*

You were going to state, when you were stopped, those symptoms that you considered inconsistent with strychnia; go on and mention, with regard to the symptoms, those which you consider inconsistent? The sickness.

*Lord CAMPBELL.*—Manifested when? Before the attack came on; the beating the bed-clothes with the arms, want of sensitiveness to external impression, and the sudden cessation of the convulsions, and apparent complete recovery; I think those are the principal parts.—You mentioned previously that the time that occurred was between the ingestion of the poison and the coming on of the symptoms? Yes; I have mentioned that point of time between the time when the supposed poison was administered.—And the paroxysm coming on? Yes.—What inference do you deduce from that? That it is inconsistent with strychnia.

*Mr. Grove.*—As to the mode in which it came on without premonitory symptoms, do you consider that is inconsistent with strychnia? There was apparently an absence of the usual condition that is described.—You stated to my friend the Attorney-General, that the bent form indicated some tetaniform symptom; did that answer apply as well to natural tetaniform as to tetaniform by strychnia? Yes.—The bent form of the feet indicated tetanic spasm; would that be the case whether it was a tetaniform spasm with poison or without poison? No doubt.

*Lord CAMPBELL.*—And the other symptoms of rigidity? It is rather a question of degree.—They would be more violent if from poison? No doubt.

*Mr. Grove.*—Do the symptoms of disorder in the spine vary considerably in their character in different cases? I only know by reading they do vary.—In their degree of violence? Yes.—In the periods of intermission? Yes.—And in the nature of the muscles affected? Yes.—Now, you have stated in the cases of tetanus you have seen there was no intermission of the disease: do you know, from your reading, that the intermission of the disease is a frequent thing? I know it occurs, but it is not frequent.—You were asked as to the period at which death came on in arachnitis; do you know that there are cases in which the death from that disease took place in a period of 18 hours? I do not remember that.—Can you tell me whether four hours is not an uncommon time? That I do not bear in mind.—You have stated that such granules as are described are unusual; are they more unusual in young people than in old people? More unusual.—Are they more indicative of disease when seen in young people than in

old? I cannot tell that.—You were asked a question, which you said was an impossible one, as to the decomposition; do you know of any case in which the spine would preserve its integrity as long as nine weeks? I do not.—You were asked whether you would feel yourself justified in inferring that there was disease from the examination; would you feel yourself justified in saying that there was no disease? I should not.

Lord CAMPBELL.—Suppose you saw the spine with no decomposition in its integrity, and you saw no signs of inflammation, would you infer that he had any at the time of death? I should not.

Mr. *Grove*.—What is the usual period at which decomposition sets in? It varies very much; from a few hours to a few days.

Lord CAMPBELL.—According to the temperature? According to the temperature, and various things.

Mr. *Grove*.—Do you think it at all in the least improbable that it could remain for nine weeks undecomposed? I do not.

The *Attorney-General*.—I have one question which, with your Lordship's permission, I would put (this gentleman spoke as to the vomiting): whether, if the stomach had been brought by any other cause into a state of irritation by any other means, would he think those causes inconsistent?

Lord CAMPBELL.—I intended to put the question myself.

*Witness*.—I should think it not inconsistent.

MR. JOHN GAY sworn.—Examined by Mr. *Gray*.

You are a Fellow of the Royal College of Surgeons? I am.—Have you been for the last eighteen years a surgeon of the Royal Free Hospital? I was for between seventeen and eighteen years; I have ceased to be so for two years.—Had you under your care or observation a case of idiopathic tetanus in a boy? I had a case; it was in the year 1843.

Lord CAMPBELL.—What was his age? Eight years old.

Mr. *Gray*.—Was that a case in the hospital? It was.—Was he under your care from the commencement of the case, or was he brought in? He was brought in during the time he was ill.—About what time elapsed from the time he was brought till he died? May I refer to the notes? it is so many years since; I took rough notes of the case at the time; it was brought in on the 28th of July; the accident occurred a week before he was brought in.—During the first three days he had the usual paroxysms in the disease? He had them unusually severe during the first three days I saw him; I saw him on the 28th of July; he could not open his mouth at that time; he complained of great pain and stiffness about the neck.

Lord CAMPBELL.—Had he any spasm? During the first night of his admission he started up convulsed, and spasmodically closed his jaw; during the following night he was a good deal convulsed at times; the abdominal muscles, as well as the muscles of the neck and back, had become rigid during the night; the muscles of the face were also in a state of great contraction; on the following day I found the muscles remained in the same state; in the morning of that day at 2 o'clock on visiting him I found there was much rigidity of the muscles, especially those of the abdomen and back; the following morning the muscular rigidity had gone; he opened his mouth as usual and was able to talk; the lad appeared to be thoroughly relieved; he had no return of the spasms until the following day: at that time he asked the nurse to change his linen, and she was lifting him up in bed to do so when violent convulsions of the arms and face came on, and he died in a few minutes.

Mr. *Gray*.—From the time at which the convulsions of which he died came on and the last preceding convulsions, what time elapsed? I should say, about thirty hours: it would be difficult to say exactly.—How long did the last paroxysms last before he died? A few minutes.—Before that paroxysm came on, had the rigidity which you describe been completely relieved? Completely.—Can you tell whether the nurse was putting on his linen at the time he was convulsed? It was merely the act of lifting him up in bed for that purpose.—In this case, had you given the patient anything to produce vomiting? I had.

Lord CAMPBELL.—What did you give him in order to produce vomiting? Tartar emetic.—Which day? The second day I gave small doses of tartar emetic, and they produced no effect.—Did the doses take any effect? They produced no effect; I repeated them in larger doses.—What was the effect? They produced no effect; two grains of tartar emetic I gave to a child of eight years old.—You did not repeat it after the third day? No.

Cross-examined by the *Attorney-General*.

We have not heard, and I think it is desirable we should, what was the accident? It



was an accident by which the toe was smashed.—A large stone had fallen on the middle of the left foot, and had completely smashed it? Yes. Had the wound become very unhealthy? Yes, very much so.—In fact, when first you saw it, it had portions of bone and cartilage adhering to the surface? It had.—Did you amputate the toe? I did.—At the time he was brought to you, I think you have told us the mother said he could not open his mouth so wide as usual? That I think first attracted the mother's attention.—When you saw him was the mouth closed up, or almost closed up? Almost closed up.—I see July 29th he slept but little during the night, and during sleep started up convulsed, and spasmodically closed the jaw; the jaw remained closed during the time? Until the 1st of August.—When you administered tartar emetic to him, was the jaw closed at the time? Yes.—How did you manage to get it into his mouth? In all those cases so trifling a remedy as the tartar emetic is easily given.

Lord CAMPBELL.—The tongue seems to retain its powers? Yes; the case is recorded in 'The Lancet.'

Mr. Attorney-General.—After that, the 29th of July, did the convulsions continue throughout the 30th and part of the 31st? The convulsions came on during the night, and they appear to have remitted during the day, except a muscular rigidity; the tetanus did remain.—But were there no spasms during the day-time? I believe not.—In the day-time, although there were no convulsions, were the muscles of the body, of the chest, and of the abdominal back and neck, all rigid? Yes.—Did that continue throughout the two days you administered tartar emetic? Yes.—Would the rigidity of the muscles and of the stomach prevent sickness? It would, I have no doubt, go far to prevent it.—What are called the abdominal muscles? I said it would go far to prevent it.—If rigidity of those muscles had not set up, you entertained no doubt that your tartar emetic would have produced its effect? I expected the boy would have vomited from so large a dose.—You have no doubt it would have done so except from the rigidity of the muscles? I suppose it would have done so.—When did the symptoms begin to abate? On the 1st of August, on the fourth day, and they gradually subsided; they appeared to have subsided during the night; I saw the child during the middle of the day, and I found that it had subsided, and in fact had entirely gone off.—You thought, I suppose, he was going to get well? I did.—You told us the woman set him up in bed for the purpose of changing his linen; would that in any way have brought the toe, that part that had been attacked, into any friction with some parts of the bed? No, I think not; it must have done so, certainly; but I do not think it would have any effect, the simple irritation of the toe at that part.—But there not having been in your judgment from the commencement nervous irritation set up from the original seat of the disease, can you account in any way for the nervous or muscular disease of tetanus? If the cause had not entirely gone, the symptoms were brought back by the act of sitting up in bed.—What do you suppose the cause to have been? My impression is there must be some action about the spinal cord as the immediate cause of the symptoms.—Action set up in the spinal cord by irritation of the nerves in the immediate site of the laceration or wound? Quite so.—May it not be reasonable to infer that any irritation of the part originally injured, exciting and irritating the nerve or the nerves connected with the part, may support its action over the whole system, and so produce convulsion? I had removed the end of the diseased part, so I cannot conceive that the same cause could exist.—If you imagine you feel yourself justified in saying that the irritation of the spinal cord once set up continues, why should you infer that the irritation of the nerve may not also continue? There must be some peculiar irritation of the nerve to give rise to the affection of the spinal cord from which tetanus arises, when also it would be more frequently produced; there appear to be some particular circumstances which produce it.—You have no doubt the state of the toe was the original cause of the convulsions? I have not.—And that death took place by something or other distinct from the first cause? Yes.

Re-examined by Mr. Gray.

I think you told my friend that, with regard to the convulsions which end in death, you thought it arose from some irritation set up in the spinal cord? I did.—You said, from that and other causes? Yes.—May the causes of such irritation be very various in different cases; the cause of the irritation in the spinal cord which would end in tetaniform may be very various? I think so.—Do you think it is possible, merely from a death with symptoms of a tetaniform character; do you think it is possible, from the observation you have had, to ascribe them to any particular cause: suppose in one you have a death accompanied with tetaniform symptoms and opisthotonos, and the various symptoms of a tetanic character, in the absence of any knowledge of the cause, therefore—of the cause you state, probably the irritation of the spinal cord—in the absence of know-

ledge of the case, do you think it is possible to ascribe them to any particular cause? I think it would be extremely difficult to do so.—Will you give me the proposition you lay down? In the event of a given set of symptoms, tetanic symptoms I should say, being proposed, it would be extremely difficult, if not impossible, without some other evidence, or collateral evidence, to assign it to any given disease.

Lord CAMPBELL.—Or cause? Or cause.

Dr. WILLIAM M'DONNELL sworn.—Examined by Mr. Kenealey.

Are you a licentiate of the College of Surgeons at Edinburgh? I am.—How long have you been in practice? About eight years.—And during that time have you had considerable experience at home and abroad? Yes.—Have you had practical as well as theoretical knowledge of tetanus, idiopathic and traumatic? Yes.—How many cases of idiopathic tetanus have you seen? Two cases.—In addition to those, have you made tetanus a subject of medical research? Yes.—Now what kind of irritation do you assign as usually producing tetanus; what sort of nervous irritation; would it proceed from very slight causes? Yes, very.—Will you enumerate some of those slight causes which will produce strong tetanic convulsions? Almost any internal disorder or alteration of the internal secretions will produce idiopathic tetanus.—Would exposure to cold or damp produce it? Yes.—Would mental excitement produce it? Yes, it would be a probable cause.

Lord CAMPBELL.—Without any organic disturbance? Mental excitement will cause an organic disturbance.—Mental excitement would be the proximate cause of tetanus? Yes.—Have you ascertained whether the presence of gritty particles or granules in any portion of the body would produce tetanic convulsions? They might in any part connected with the nervous structure in either the spine or the brain; I have seen small deposits or tubercles in the brain; the only assignable cause for death terminating in convulsions.—You say you have seen a case of that kind? Yes.—In addition to those slight causes you have mentioned, do you believe that tetanic convulsions arise from causes that are as yet quite undiscoverable by human science? Quite.—Your opinion in fact is, it is a disease the true origin of which is involved in deep mystery.

The *Attorney-General*.—That is rather a mysterious way of putting the question.

Mr. Kenealey.—Does your Lordship think that the question is objectionable? I will put it in this way, at all events: is there some obscurity? I have had many post-mortem examinations of patients who have died of tetanus, and no trace of any disease whatever could be discovered beyond the congestion or vascularity of some of the vessels surrounding the nerves.—Though tetanus is not easily discoverable, is strychnia discoverable by scientific men? Very easily.—Allow me to call your attention to a case of idiopathic tetanus of your own: do you remember the case of the female, Catherine Watson, who is here? Yes.—You were fortunate enough, I believe, to restore her, and she is here? Yes.—Will you tell us, if you please, the symptoms of that case? Had I better read the notes?

Lord CAMPBELL.—Are they made at the time? This is a copy of them. (*Dr. M'Donald read his notes of the case of Catherine Watson.*)

Mr. Kenealey.—In that case was there no trismus? Yes, I have mentioned here the lock-jaw set in.—There was a lock-jaw? Yes.—When did it set in? I cannot exactly say; I think it was about 12 or 1 o'clock, but about the middle of the attack; she was able to speak.—In acute idiopathic tetanus does trismus usually set in in the middle or end of the attack? If it is a very acute attack it is generally a later symptom.—In an attack ending fatally you would expect it to be a later symptom? Yes.—Had you a patient who died from a convulsive attack of this kind? Yes.—What was his name? Copeland.

Lord CAMPBELL.—Would you call it idiopathic or traumatic, tetanus? It must have been idiopathic tetanus.—There was no external cause? No.

Mr. Kenealey.—In what time did the death take place? Somewhat less than half an hour: I cannot say precisely; the patient was dead before I could reach the house.

Lord CAMPBELL.—Do you know what the cause of the disease was? Yes, I examined the patient carefully, and made inquiry as to the symptoms.

Mr. Kenealey.—Have you made a number of experiments on animals with reference to strychnia poison? I have.—Have you found the post-mortem symptoms generally to concur? Very generally.—We will take the brain first: in what condition have you generally found the brains of these to be? The muscles of the brain highly congested, the sinuses gorged with blood, and in one case I had hæmorrhage from the nostrils.—Would that indicate a very high state of congestion? Yes, I have found extravasation



of the blood in some cases likewise in the brain.—Have you cut through the substance of the brain? Yes.—Did you find any peculiarity in it? Numerous red points.

The *Attorney-General*.—Is this one particular case, or the general result? The general result; I will read you a list of 12 I have here.

Mr. *Kenealey*.—Is there any other peculiarity with reference to the brain that attracted your attention, or have you comprised all? I think I have comprised all.—Now we will go to the lungs: in what condition have you found the lungs of those animals? Either collapsed or congested.—How have you found the heart? Invariably filled on the right side with blood, and very often on the left.—Now we will go to the liver: what has been the state of the liver in those animals? Congested.—The kidneys? Normal generally.—That means healthy? Healthy.—The spleen? Normal generally.—In their ordinary condition? Yes.—In what state have you found the vessels of the stomach on the outer surface? Congested.—And on the mucous or inner surface, what state? Highly vascular.—What is the meaning of vascular? Vessels filled with red blood.—With red blood? Florid or red blood, causing a red or inflamed appearance, deeper in some places than in others.—In what state have you found the spinal cord? The vessels congested; the vessels of the membranes congested, and also red points seen on cutting it through, not invariably, but sometimes.—Are these symptoms on post-mortem examination, or are they always a true test of the cause of death? No, not always.—Generally? Appearances you mean.—Appearances? Yes, some symptoms are a different thing altogether.—We will come to your analytical experiments for the discovery of strychnia: have you experimented in many cases for the discovery of strychnia? A great many.—What is the smallest portion of strychnia that you can discover in the stomach of an animal? You may discover the smallest dose that will kill the animal; if you kill an animal with a grain of strychnia you may discover traces of it.

Lord CAMPBELL.—May I take it that if ever an animal was killed by strychnia, that strychnia might be discovered? Yes.

Mr. *Kenealey*.—What do you mean by a trace of it? Evidence of its appearance.—Does that mean an imponderable quantity? It may.—Do you mean by traces to convey the idea that you can discover the smallest quantity? That will kill.—Do you confine it to the smallest part that will kill: what is the smallest quantity you can discover? The fifty-thousandth part of a grain.—Have you actually experimented so as to discover that quantity? Yes.—You have heard a theory in the course of this inquiry which has been propounded by Dr. Taylor to your knowledge; has that been provided for? No.

The *Attorney-General*.—What theory?

Mr. *Kenealey*.—The theory that I call Dr. Taylor's; I mean the destruction by the supposed decomposition of strychnia: to your knowledge, has any scientific man of eminence ever propounded that theory at all? No.—When did you first ascertain that that theory had been propounded by any one? In this Court.—Speaking scientifically, in your opinion is there any well-grounded reason for that theory? None whatever.—Now will you state the grounds on which you, as a man of science, have come to that conclusion? I have proved it by numerous experiments; I have proved that that theory is false by the numerous experiments: I have taken the blood of an animal poisoned with two grains of strychnia, about the least quantity which would kill an animal, and have injected it into the abdominal cavities of some animals, and have destroyed them, with the symptoms and post-mortem appearances of strychnia: I can read you a few of those experiments, if your Lordship pleases.—Does that contain a summary of the proofs to your own satisfaction that you have disproved that theory? I have made numerous experiments in different ways, and I had then known it.—When strychnia is administered in the form of pills, is it more easy or more difficult to detect? I should think it would make no difference: if the pills were hard, and not readily solved, you would find it much easier, because you might find some remains of the pill.—Would its administration in pills have the effect of keeping its parts together, and thereby facilitating its discovery? By keeping it together, and preventing it from being dissolved, and you might find some remains more easily.—Have you heard what Dr. Taylor said was his opinion about the fallacy of colour tests? I have.—Do you agree with him in that opinion? I do not.—Do you believe that a colour test is a reliable mode of ascertaining strychnia? It is.—Did you hear Mr. Herapath say that he had found it in urine that had been rejected? I have found it invariably.—Does it first pass into the blood, and then into that watery excretion? Part of it may be drawn off by that means.—Is it true that strychnia can be confounded with pyroxanthine? No.—In these animals which you killed with strychnia, did you observe anything with reference to saliva? Yes, generally an increased flow of saliva.—Was that a very marked symptom? Very.—Have you observed any peculiarity with regard to those creatures when they were touched? They were very susceptible of

touch : a stamp of the foot, a slight touch, or a breath or a sharp word, would drive them into convulsions.—What sort of a convulsion? Tetanic convulsions: we recognised them by the straightened condition of the muscles.—Was that a marked convulsion? Yes.—Supposing that a dose of strychnia sufficient to kill a man were administered to him, do you think he could bear to have his neck rubbed? I think it would drive him into convulsions.—Before the paroxysms came on? Yes; it would be very likely to throw him into convulsions before the paroxysm came on.

Lord CAMPBELL.—As soon as the poison is taken into his system? No; it requires a certain time.—It would be after a certain time? You must have the first symptoms of poison developed first.—That would be after the first symptom? Yes.

Mr. *Kenealey*.—That would not give him any kind of relief? I do not think so, judging from what I have seen.—What would be the effect of a man pulling a bell violently, if he was poisoned by strychnia? I think it would be extremely probable, if the dose had been sufficient, to destroy life, provided the symptoms had made their appearances; always premising that.—Do you agree with Mr. Herapath, if a sufficient dose to poison has been administered, it can and ought to be discovered? I quite agree with that.—Have you heard the evidence that was given in this case; medical evidence? I have.—The evidence as to the symptoms? Yes; the symptoms I attach very little importance to as the means of diagnosis, as you may have the same symptoms developed from many different causes.—Any other reason? Not with regard to the symptoms.—Is that the only reason? So far as the symptoms are concerned; there is one principal reason I have, which is this: a dose of strychnia, sufficient to destroy life in one paroxysm, would hardly require an hour and a half or two hours.—What is your opinion of the cause of death in this case, and on what is that opinion grounded? The principal argument is—

Lord CAMPBELL.—We do not want an argument; we want your opinion: you are asked what is your opinion as to the cause of death? The cause of death was from convulsions, epileptic convulsions with tetanic symptoms; that is the nearest approach, from my reading, but for the post-mortem appearances in Cook's case being so different from those I have described, and from the supposition that a dose of strychnia sufficient to destroy life in one paroxysm would, so far as I am aware, have required even an hour for its absorption or action.

Mr. *Kenealey*.—Does the interval of repose from the Monday night to the Tuesday at all operate on your judgment in coming to that conclusion? If my opinion that it was of an epileptic character were correct, it would.—It is your opinion that if that were of an epileptic character—then what follows? The intermission from the Monday night would be considered important, as epilepsy seizures very often recur about the same hours, as I have seen them.—Assuming that a man was in such an excitable state of mind that he was silent for two or three minutes after his horse winning a race, that he exposed himself to cold or damp, that he excited his brain by drinking, and he was attacked by violent vomiting, and after his death gritty granules were found in the neighbourhood of his spine, could not, in the present instance, such a death as it was arise from those causes? Any one of those causes might aggravate or hurry it.—You say any one of those causes? Might cause it.

Cross-examined by the *Attorney-General*.

Where do you practise? At Garnkirk, near Glasgow.—Are you a general practitioner there? General surgeon to the Garnkirk works.—That is not a public institution? No, the iron-works; and parochial medical officer.—How many cases of idiopathic tetanus have you had personal experience of? Two; this one I have recorded, and another.—You mentioned a series of different causes which in your judgment would produce idiopathic tetanus, but that is not from the result of your own observation? I have only seen two cases.—But what you have been telling us about mental excitement, sensual excitement, is not within your own observation? Nor do they seldom occur to any medical practitioner; this case might have arisen from those causes.—Have you any reason to think it did? I have no reason to do so.—Then do not tell us what it might have done; now, in the case of Catherine Watson? I saw her about half-past 10 at night.—How long before she became ill? She had been ill very nearly an hour before I saw her.—What symptoms had she? Convulsions.—Did you understand how long before that she had felt any inconvenience? She had gone about her usual duties up to the evening.—But a person may go about their usual duties, and yet feel an inconvenience? She felt a slight lassitude previous to that time; I could only press her to this acknowledgment in my anxiety to get at the symptoms; she would not own to anything being the matter with her; it was only by close pressing that she could call it to



mind.—Did she call to mind that she had felt any stiffness in any period? No; no stiffness.—This was, I think you say, at night; in the evening, when the lock-jaw came on? I think in an hour or two, I could not be positive; I could not make any observations as to time.—The case occupied all your attention in itself? Yes.—In the other case, of Mr. Copeland? It was a young child.—What age? I think between three and four months old.—Was that the person of the name of Copeland? Yes.—What was the matter with the child? I saw it in good health half an hour before the attack came on; I was attending the mother at the time.—It had no attack of convulsions? Yes, and opisthotonos.—You had seen it half an hour before? As near as I can recollect.—How soon did it die? I rode away from the house, and they supposed I had not gone a couple of miles when it died.—It was seized with a fit? Apparently a spasm, which I consider to be of the tetaniform character.—You had seen the child half an hour before? Yes; there was nothing the matter with it then; it was in bed, I believe, with the mother; she was laid up, I think; the child was lying in the bed.—Did you see it? I did not see its face; I saw it lying in bed; I did not examine it.—Did you see its face? I do not recollect; I saw the child.—Did you see its face? I did not.—You mean the child was lying in the bed? Yes.—What do you mean by saying it was asleep? I judged it to be asleep.—Is that the same thing as seeing it asleep? You must recollect we medical men can form a judgment on such a subject better than lawyers or any one else.—When were you applied to in this case? In January.—Who applied to you? Mr. Smith.—How did he find you out? I can hardly say how he found me out; I communicated this case to him of Catherine Watson, as resembling the symptoms of what I heard of Mr. Cook's death, as being nearly the same.—When did you furnish your notes? Just now; I think the night before last.—When did you come up? I have been here about a week; from the beginning of the trial.—Attending and assisting here? Attending in court daily.—And at the consultations? Of course I have been at the consultations.—You wrote to Mr. Smith, sending this case? I suppose Mr. Smith may produce the original notes.—I do not suggest anything about them; with regard to the case of the animals that you experimented on with strychnia, when did you begin with them? I began this series of experiments for this case in January.—Had you ever made any before? Yes; I think eight or ten years ago; it was at the time I discovered that the strychnia could be detected in the body by a physiological test in the blood.—What was the dose with which you killed the animals on which you experimented? I think from a grain and three-quarters to two grains.—What were the animals? Dogs, cats, rabbits, and fowls; these experiments will relate to dogs.—What dose did you administer? Three-quarters of a grain to two grains.—Just see in how many instances you gave three-quarters of a grain? A grain is the smallest.—Tell me in how many of your experiments you used a grain, in how many two? Four with a grain, five with a grain and a half, and one, I think, with a grain and a quarter, and two with two grains.—Did you try any as low as half a grain? I gave some half a grain.—I am speaking of the dogs?

LORD CAMPBELL.—He says he did not in that series.

The *Attorney-General*.—I am speaking of that series of experiments; one grain is the minimum? Yes, and two the maximum.—You never tried them with half a grain? Yes, I did; I did not mention it before.—What was that? I did it for the purpose of ascertaining the least dose that would kill.—Did you try it to see whether you could detect it afterwards by your chemical process? How could I try that before I killed the dog?—Do you mean, on your oath, to tell me you do not understand my question? Repeat it again.—Have you not understood it? Perhaps I slipped it.—Upon your oath did you slip it? Upon my oath I may have slipped it.—Do you mean, standing there as a witness in this Court, you do not know the question I put to you? I have perhaps forgotten the question.

LORD CAMPBELL.—Cannot you tell the question? Was the question, did I detect a grain of strychnia?

The *Attorney-General*.—Do you believe that to be the question I put to you; on your solemn oath do you believe it? On my solemn oath I understand you to ask if I had detected half a grain in a dog.—I asked you whether in that case you had afterwards tried to find the strychnia by your chemical process? Decidedly; I gave five or six dogs poison with a quarter or half a grain to discover the smallest dose that would kill.—I want to know whether they are in those notes? They are enumerated among these.—Show me one amongst those where you have given half a grain? I did not make a note of it, because it did not kill.—In that series you have not one with less than a grain? Of course not, for the finishing, the killing; those are the doses with which I kill the animal.—I am speaking of those? These do not apply to this series of experiments.—I want you to show me a note of your having killed a dog with half a grain? I have

killed upwards of forty animals, and there were a dozen for ascertaining the symptoms on the post-mortem.—Have you ever destroyed a dog with half a grain of strychnia? No, I have not.—Have you ever tried it? I have tried it, and it did not answer.—Now let us come to your symptoms; you say you have always found the brain highly congested? At the stoppage of the circulation in the system; the circulation is impeded, the spasms impede the circulation.—Is it not the spasms of the respiratory muscles that cause that? It is the spasms of all the muscles together.—You do not mean to represent that the spasms of the feet would do it? It would help to do it.—Is not the immediate cause of the fulness of the heart after death, that the respiratory muscles are arrested in their action, and the lungs cannot play? No doubt the immediate cause of the convulsive spasms thrusts the blood out of the small vessels into the larger vessels of the cavity, and all the large vessels distended, and you find the lungs entirely collapsed.—Sometimes you find them congested? Rarely.—How do you account for it when the lungs are congested; is it not in point of fact that the respiratory muscles prevent the play of the lungs? Decidedly from being exposed.—Have you not found in some cases that the brain was not congested? No; I think in every case there were more or less congestions.—Do you find that to be greater in proportion to the length of the paroxysm? No, I find it to be greatest where the animal was young and in a full state of health.—There would be that difference with regard to the state of health; there would be more or less congestion? It depends on the fulness of blood.—Have you ever seen any case of traumatic tetanus? Yes.—How many? I think two in my own practice; but I have seen a few others in hospital.—How long have they lasted? The one lasted about five or six hours; I cannot remember the particular attack; the other recovered.—How long was it, about? The paroxysm lasted six or seven hours.—And he effectually recovered, did he? No; it is a long time ago, and I have not a note of the case; I could not be precise about it.—Have you ever seen a case of strychnia in the human subject? No, I have not.—I understand you to say, that in your opinion this was a case of epilepsy with tetanic complications? As far as I can judge from hearing the evidence in Court, I think it was a case of epileptic convulsions with tetanic complications.—What does epilepsy proceed from? Nobody can answer you that question.—You have no theory upon the subject? I have not exactly arrived at any distinct theory, not quite as distinct as strychnia or tetanus.—Have you seen death from epilepsy? Yes; I have seen one case of death from epilepsy.—Was the patient conscious when he died? No.—Did you ever know a case of epilepsy where the patient was conscious? I have seen only one death.—Does your reading furnish you with any instance? I can refer you to where you will find it in Dr. Goode's work, where you find instances of consciousness during epileptic attacks.—I am speaking of the time of death? I cannot recollect.—Can you find me any case in which consciousness has preceded death? I cannot recollect.—You have studied on purpose for these cases? No; I am pretty well up in most branches.—Being so universally proficient in the science of your profession, do you know of any single recorded case of consciousness at the time of death? I do not from my own knowledge.—Or any one else? I do not know of any case of death from epilepsy.—Did you hear what Sir Benjamin Brodie said on this subject? I did.—Were Mr. Cook's attack and death referable to any known disease? Yes; Sir Benjamin Brodie said from idiopathic tetanus.—Did you hear Mr. Partridge say that; do you agree with that? I have heard it, and I have given you my opinion candidly and openly.—What was the disease? I have given you my opinion that it was, as far as I can learn, a death from epileptic convulsions with tetanic complications.

Lord CAMPBELL.—Is that disease known among medical men? Yes; you will find it in 'Copland's Dictionary.'

The *Attorney-General*.—That is the gentleman of whom we have heard once or twice? You will find it in every work on convulsions.—Have you made any application to Dr. Copland in this case? I have his work, which I have studied occasionally.—And you mean deliberately to state in this court that you believe that death to have been a death from epilepsy? I do state so.—Without being able to refer to any cause whatever as producing the disease? When I have told you before that deaths often take place in idiopathic tetanus without leaving any trace behind, I think I may say.—That is idiopathic tetanus? They are all of the same class: you asked me what was the cause of death; I told you epilepsy with tetanic complication: I think all forms of convulsions arise from a decomposition of the blood, and if a person has probably an incipient tendency to disease of the brain that it always may be affected, and that the decomposition of the blood might cause to set up the diseased action.

Lord CAMPBELL.—Just repeat what you have said? I believe that all convulsive diseases, including the epileptic form and the various tetanic complications (that would



include all), arise from a decomposition of the blood, and that the decomposed blood acts on the nerves.—Do I understand you that mental excitement had anything to do with this? I do not say it had; it might have had.—The question was put to you as to your opinion? I said it might have caused it; it was within the range of probability that it might have caused it.—Caused what? Caused the convulsive attacks.—What mental excitement? Any mental excitement.—I am speaking of this particular excitement to which you refer these symptoms? It is stated he was subject to excitement.—Do you find any excitement in this case? I find at Shrewsbury he was excited, and wherever you have excitement you have a constant depression.—Do you find he was depressed? When you find a man in bed sick, he must be depressed.—I am speaking of the depression consequent on these symptoms; where do you find any symptom of illness until he begins to vomit? If I have much excitement, if I am up all night it upsets me the next day, and I generally vomit the food I take.—You do if you are excited? I vomit the food I take if I have had any excitement.—This is not a question of excitement? He was overjoyed at winning his race.—And you think he vomited in consequence? He might.—I am not asking about what he might do? If he had the same predisposition that I have, the same dyspeptic symptoms.—Do you mean to swear, am I to understand you to say, that you think the excitement of the three minutes on the course on the Tuesday accounts for the vomiting? I do not mean to say anything of the kind.—Do you find any excitement or depression from that time till the time he died? There is nothing reported that I can recollect just now.—On the contrary, do you not recollect that the man when he was not vomiting, on that very night, was joking and laughing in a jocular manner; was that sufficient to make him vomit? That may well be, where a man is subject to bilious fits.—We are talking of excitement; we are talking now of epilepsy with tetanic complications; I want to know on what you can put your hand in the whole history of the man's symptoms in the way of excitement or depression which will account for the remarkable symptoms that occurred? I have told you that almost any one of them is sufficient.—Give me any one of them; where is there any one to which you can ascribe the death in this case? When you find in many cases we can discover no traces at all.—Answer my question; you give a series of causes which you say would cause death? Might have occasioned death.—Where is there one of these causes existing in this case? These causes were stated to have been present.—Which? There was one; those white spots that were seen in the stomach.—I am talking of what you have already said might have caused death? These might have caused death by an inflammatory condition of the stomach.—The stomach was not inflamed? We heard about these white spots.—But there was no inflammation of the stomach, was there? I have given you my opinion.—If there had been any, would not the gentlemen who examined it have seen it? If those white spots were present, you would have had inflammation.—They say there was none? I do not believe them.—Sensual excitement is a cause of epilepsy, with tetanic complications; is that what you say? Yes, it might.—Do you find in this case, is there a tittle of evidence of this man having undergone any such excitement? I think so.—What? You have heard about the syphilitic spots; there was no doubt about it.—Do you mean to say that you attribute this to some excitement that has taken place at some anterior period, long before? I am not called upon to say that; I take my opinion from what was seen.—Supposing the man had undergone any excitement of the description you mention a week before; do you mean that that is sufficient to account for these symptoms? We know.—Is it, or is it not? Yes; we have instances on record where convulsions have supervened in the very act you allude to.—Have you any instance of its setting in a fortnight afterwards; that is the question? It is quite within the range of possibility.—Would epilepsy, with tetanic complications, set in from that cause; do you mean to stand there, as a serious man of science, and tell me that?

LORD CAMPBELL.—What is the question; that within a fortnight after sexual intercourse, that might bring on convulsions? Yes; the results of sensual excitement.

THE ATTORNEY-GENERAL.—What are the results? You have seen the results; I have described them.—What are they? Chancre is one of them, and syphilitic sore-throat.—Do you mean that was the cause of his death? I do not.—Did you ever know of such a thing; did you ever hear or know of such a thing as a chancre producing epilepsy? When I have told you that very slight causes——I will have an answer; did you ever hear of any other form of syphilis producing epilepsy? Not epilepsy, but tetanus; you are forgetting the tetanic complications.—If I understand it rightly, it stands thus: that the sensual excitement produces the epilepsy, and the chancre reproduces the tetanic complications? You are quite mistaken; I say the result of a sensual excitement.

Mr. BARON ALDERSON.—I must say this [laughter] is highly indecent when a man is being tried for life.

The *Attorney-General*.—Is there anything else to which you can ascribe this extraordinary death, which several medical men have said could not be ascribed to any known form of disease? I have only given my opinion; I have said it might have been that.—You volunteered, I presume, in this case, to come and give evidence? No, I did not; nor did I want to come; but I was asked to come.—You have just now said that your reason for thinking and referring it to epilepsy was, that amongst other things an hour or an hour and a half intervened between the taking of the poison and the appearance of the first symptoms; do you mean that in your reading you have not met with cases quite as long when the death has arisen from strychnia? I cannot recollect where death has followed.—Did you hear the case read the other day from 'The Lancet,' by Dr. Taylor, in which death took place more than an hour after the administration, when the symptoms appeared? That is an hour; I said, or an hour and a half.—Did you hear the case, stated in the evidence, of the girl at Glasgow? Yes.—How long was she before she was dead? Twenty minutes, if I recollect rightly, the first symptoms, and only three quarters of an hour dead, I believe.—Your reading has not furnished you with any instance in which the symptoms have come on so late? I cannot recollect any.—Would the fact of morphia having been given for an hour or two previously in any way touch your opinion with regard to the question of poison? No, I have seen opium bring on convulsions very nearly the same.—Opium in what quantity? I think a grain and a half.—Would that have any effect? I think so, judging from my experience.—Will opium bring on convulsions? Yes, but a different form of convulsions from epilepsy.—Because opium brings on convulsions, you assume in this case that morphia accelerated the disease? Drawing the inference, I should say it might.—Suppose for a moment there was not a case of epilepsy, but a case in which strychnia was administered; assume that hypothesis, what should you say would be the action of morphia if it had been taken; how would it attack the disease? In some cases it stimulates; it is exceedingly apt to cause congestion of the brain.—In which disease does it cause excitement? It depends on the idiosyncrasy; it depends on the habit of a body, if I might use a common term.—Is it not plain it was given here to allay excitement, and not produce it? But not very often has the supposed effect.—You think here it had? I say it may have done and it may not.—Having taken it on the Saturday and Sunday night, and having been free from nervous excitement on the Sunday and Monday, what should you assume? I cannot tell; it depends on the idiosyncrasy.—Judging from the result? If it were opium; yet it is only presumed to be opium; it appears to have soothed him.—Did he have opium on Saturday or Sunday? Yes, in pills.—And why, when the man was tranquil on the Sunday and Monday, did you after that venture to say that these pills irritated him? I do not mean to say they did.—He having had morphia given him on the two previous days, Saturday and Sunday, for the purpose of quieting his excitement, would the tendency of them be to tranquillise the nervous excitement, and to render it less easily excitable? You must not assume that, unless you tell me the state of the brain.—Assuming the account to be right, that there was not congestion? The state of the brain at the time that the opium was taken, I want to know.—There was not congestion when the death took place? But in Mr. Bamford's depositions he says there was.—Do you prefer the depositions of Mr. Bamford to the evidence of Dr. Harland and Dr. Monkton? In judging of such a case I took all the symptoms, and took that among the rest.—They say there was none? But Mr. Bamford says there was.—You think Mr. Bamford's deposition is to be taken before their evidence? A man of manifest experience ought to have known much better than younger men what he saw.—Look at his age? He must have made a great many post-mortem examinations.—He said it was apoplexy; do you think it was apoplexy? No, I do not; I do not think it was apoplexy, as the word is commonly used.—Is there any difference in the meaning of apoplexy? Are you aware what apoplexy is?—That is of very little importance; I want to know whether you think this was apoplexy? The principal symptom of apoplexy is a congested state of the brain.—I asked you whether you think this was a case of apoplexy? It was not.—Then what do you think of Mr. Bamford now; do you still set him up against the two gentlemen who made the post-mortem examination? I adhere to what the one saw; the other is a mere matter of opinion.

Re-examined by Mr. *Serjeant Shee*.

My friend asked you about this child: I suppose you have seen a great many children in their cradles? Yes.—And you have seen them with their bodies and their arms in certain positions that may give you a pretty good idea whether they are asleep or not? Yes.—From what you saw, and your experience in such matters, I dare say you now



think that was a very fair opinion to form under those circumstances? Yes.—We will go on: you have expressed an opinion, not that this was a case of actual epilepsy, but of convulsion of an epileptic form combined with tetanic complications; and you stated that though you had seen no such case, your reading informed you that there had been, and you mentioned Dr. Mason Goode? Yes.—Is he a well-known author on the subject of convulsions? He is.—And their various forms and resemblance, and so on? Yes.—Have you, from your reading of that and other works, ascertained that there is a class of convulsions which are called epileptic, but which are not strictly speaking epilepsy, though they resemble it in some of its features? Yes.—Do you know M. Esquirol, of the Salpêtrière, in France? Yes.—Is he a well-known author on epilepsy? Yes.—Do you know, from those and other means, that with opisthotonos the patient frequently retains his consciousness? I do; they allude to it.—Is epilepsy, properly so called, sudden in its attacks? Yes.—Does the patient fall down at once, with a shriek; is it not so? Yes.—Is it consistent with your knowledge of the disease that it constantly occurs at night, and in bed? Very often.—Does it sometimes happen that its existence is known to a young man's or woman's family without being known to himself or herself? Yes, that comes within the range of my own experience.—Do the convulsions which the authors of whom you have spoken, and persons of medical science generally, do not class properly as epilepsy, but as convulsions of an epileptic character, are they sometimes attended with premonitory symptoms? Sometimes.—And is the patient sometimes thrown into tetanic and tetaniform convulsions? Sometimes.—Does it sometimes happen that, pending the struggle of the convulsions, in this way actual epilepsy comes on, and the patient dies? Yes, it may, from spasm.—Can you tell me whether it be a known character of epilepsy, and of convulsions of an epileptic character, that a patient may have suffered in the night and be well the next morning, and as well the next day as if he had had no fit at all? It very often happens, more especially where adults are seized for the first time.—When an adult is seized for the first time, is it consistent with your experience that several fits follow each other during a short period? Very often.—My learned friend has asked you where you find evidence of depression; did you hear the deposition of Mr. Bamford read? I did.—If it were true that his mind appeared distressed and irritable the afternoon before he died, would you infer from that, considering the excitement and elation under which he had formerly laboured, that he was under a state of depression or not? Yes.—You have been asked whether excitement, which for good reasons we have chosen to call sensual excitement, leading often to disagreeable and unpleasant results, whether you could by any possibility account for it: have you any reason to know that there had been no excitement of the same kind in the mean time?

Lord CAMPBELL.—You cannot put that question.

Mr. *Serjeant Shee*.—You have been asked whether you could point to any part of the evidence which you have heard tending to show that he had been under nervous excitement on the Sunday or the Monday; do you recollect what was proved to have been said of what happened in the middle of the Sunday night? Yes.—What would you infer from that, supposing it were true that he represented himself to be mad for ten minutes, and it was occasioned by a quarrel in the streets? That he had been seized with some sudden cramp or spasm.—Supposing there were no such cramp, and that he meant to tell the truth, would you refer what he said to any nervous and mental excitement? Yes, decidedly.

Lord CAMPBELL.—If there were no cramp or spasms? There must be some disturbance of the brain.

Mr. *Serjeant Shee*.—You have been asked as to the spots in the stomach, which you mentioned when my friend was examining you; and, I think, you stated you differed from some gentlemen of your profession? Yes.—You stated you did not believe them; but did you mean that you differed in opinion with them? Yes.

The *Attorney-General*.—He said he did not believe them? I did not; I did not believe that inflammation could be absent and these spots present.

Mr. *Serjeant Shee*.—Have you known in your own experience any serious consequence of a convulsive character arising, or reasonably imputed, to spots of that description? I have.—Can you mention the case; how long ago did it occur? About twenty years ago; it was published.—I mean the case you saw? The case I have seen would be about eighteen months ago; it was a case of death, and I was examining the body.—In that case did you find that was the only cause of death? No, it was a case of fever, I thought; I did not know what they were, and consulted all the authors who had treated on the mucous structure of the stomach, and could find no account of it but in one, which I have here.—What is that? It is an essay by Dr. Sprossoid.

The *Attorney-General*.—Where is he to be found? He is deceased.

Mr. *Serjeant Shee*.—Was he a medical man practising in this country or another? Yes, he practised in Edinburgh.—What is the case he speaks of? (*The witness read the case.*)

Dr. JOHN NATHAN BAINBRIDGE sworn.—Examined by Mr. *Grove*.

You are a doctor of medicine and medical officer to the St. Martin's workhouse? Yes, I am.—Have you much experience of convulsive disorders? I have very considerable.—Do convulsive disorders admit of great variety of symptoms? Very great, very indeed.—Are there causes of them varying from what are called chronic diseases to rigid opisthotonos? Yes, hysterical convulsions are very frequently accompanied with opisthotonos; convulsions of the muscles of the back, and of the limbs.—Do the different cases vary as to the frequency of the recurrences, and as to the muscles attacked? Yes, they vary very much.—Is periodicity common? It is very common; I can mention a very remarkable instance of that.—You mean by periodicity, occurring at the same time? The same hour, the same day, and at the interval of a year, and it occurred in my pupil; he was attacked on the Christmas night; he was called up, and fell on the floor; on the Christmas night twelvemonths he had the same kind of attack exactly, and at the same hour; I have known this very common at shorter periods, such as 12 or 24 hours: these disorders run so imperceptibly one into the other, that it is almost impossible for the most experienced medical man to decide where one kind of convulsion terminates and the other begins.—You said hysteria was frequently accompanied by opisthotonos; do you apply that answer to females as well as males? Yes, to both.—Are epileptic attacks accompanied with tetanic complications, or tetanic spasms? Frequently, and hysterical also.—You have not heard the witnesses in this case? No, I have not, except to-day.

Cross-examined by the *Attorney-General*.

Do hysterical convulsions end in death when attended by these tetanic symptoms; does it ever end in death without? Very rarely indeed.—Have you ever known a case? Yes, I have known one case, that was within the last three months; it was a male in St. Martin's workhouse.—How long had the man been ill? He had been ill but a very short time, but he had had previous attacks on several occasions.—He had been subject to these attacks for several years, had he not? Yes.—Of the same complaint? Of the same complaint; he was only ill a few months on the last occasion before he died; he was taken with a kind of convulsion, I am told, but before I got to him he was dead.—What were the appearances after death? I did not examine the body.—Did you hear what the symptoms had been? I was told by those who saw him that he was attacked with certain convulsions and fell on the ground; they lifted him up on the bed, and in five minutes he was dead.—Was there anything of opisthotonos? Not that I am aware of on that occasion.—Was there anything of spasmodic clenching of the hands? Yes, there was.—To what extent? Not to any great extent.—Was there any locking of the jaw? I cannot tell, because he was dead.—It did not appear to be so? No.—Was he conscious when he died? I believe not.—Can you undertake to say that that was not a death by apoplexy? No, I cannot undertake to say that; the symptoms were somewhat of the same character, but more of the character of epilepsy.—Are hysteria and epilepsy the same thing? It would be very difficult for any man to define the difference in some instances.—In fact, had not the man been subject to these fits for a long series of years, and at last he died in one of them? Yes, he had.—What aged man was he? About 35; he was the brother of the celebrated aéronaut, Lieut. Gale.—In attacks of this nature is there in the fits a loss of consciousness?—Not generally; sometimes I have seen several cases in which there has been, and in others they can almost understand anything you say to them, not perfectly perhaps, but you may rouse them.—Might a man be conscious so that the power of consciousness is not in any way attacked? In some instances, quite.—Have you ever known an instance in which a man was able to speak after the paroxysm had set in? After the paroxysm was over.—I am speaking of when the paroxysm has set in: are they able to speak? They will scream and recollect what we have said to them.—You never knew any of them ask to have their position changed? Not in the actual violence of the paroxysm.—Is epilepsy attended with opisthotonos? Sometimes.—Is it when it is very bad? Yes.—When the convulsions are so violent that opisthotonos is produced, have you ever known them conscious? Yes, partly conscious.—I mean quite conscious? If they were asked subsequently they would recollect what had occurred.—That is after they have recovered? Yes.—Have you seen cases of traumatic tetanus? I have.—Are you aware that the patient retains his consciousness? Almost always.—Always; is it not so? Always, as far as I have observed.—You say that there are the same symptoms as in tetanus, real tetanus? No; not to the same extent.—Then there is the power of



expressing any desire which may be present to the mind of the sufferer? Not during the paroxysm.—Have you known epilepsy end in death? Frequently.—You tell me you have known of hysteria with tetanic complications end in death? In many cases.—If epilepsy end in death, still you say you do not see the distinction: you are making one in your own mind? It is a very difficult thing to define the exact line.—Because you tell me you have known of hysteria ending in death, I wish you to inform me what in your opinion is the distinction between them? The less consciousness is more especially found in epilepsy, and by the sudden falling down.—Is it not universally present in epilepsy? No, not universally; I have seen them on many occasions.—Did you ever know a case of death of epilepsy where consciousness was not destroyed before death? No, I do not know one.—How many cases of epilepsy have you seen? Many scores.—How many of such cases have you known? I cannot call to my recollection exactly; I dare say ten or a dozen.—Where it has ended in death? Yes.—Is consciousness retained? Not to the termination of life.

Mr. *Serjeant Shee*.—I think it is an assumption that Mr. Cook was conscious between the last shriek and his death.

Re-examined by Mr. *Grove*.

You are asked, as to the consciousness in hysterical patients, after the paroxysm is over, if they were conscious of hearing? Yes; I have frequently asked them.—And you have found that they were? Yes.—Is falling asleep a usual thing after epileptic fits? Almost invariably.

Mr. EDWARD AUSTIN STEADY sworn.—Examined by Mr. *Gray*.

Are you a member of the Royal College of Surgeons? I am.—You are in practice as a surgeon at Chatham? I am.—In the month of June, 1854, did you attend a person of the name of Taylor? Yes; for trismus and pleurosthotonos.

Lord CAMPBELL.—What do you call the disease? Those were the symptoms that developed themselves.

The *Attorney-General*.—Is pleurosthotonos a disease? Yes; and trismus.

Mr. *Gray*.—In this case, instead of opisthotonos, it was pleurosthotonos? Yes.—That is the head depending not backwards, but on one side? Yes.—In what stage of the disease did you first see the patient? She was bent on one side.—Did convulsions come on in paroxysms? Yes.—At about what intervals? The first attack continued for a fortnight.

Lord CAMPBELL.—Had she trismus all the time? Yes.

Mr. *Gray*.—Were there any remissions of the pleurosthotonos? Yes; for twelve months there were.—Did she appear to get better then? To a certain extent: she walked about, but one knee was contracted—the tendons were contracted.—She was seized about twelve months after? On the 3rd of March, 1855.—How long did she continue with the seizure upon her? About a week.—When you first attended the case, did you endeavour to ascertain the cause which had brought about this disease? It was detailed me as excitement; a passion, I believe, brought it on: I believe she had had some quarrel with her husband.—Did you discover any other cause? No.

Cross-examined by Mr. *James*.

When do you say this was first brought to your attention? In January, 1854, I believe.—And how long before that had the cause of it arisen? That is the first time I saw her; it was about three or four in the morning.—Did you ascertain how long before she had had this quarrel? No; I did not ask how long: I suppose I was called immediately; another medical man was called, and we both arrived together.—Did you learn during the quarrel she had had a blow? Yes, on the left side.—A violent blow? I cannot say.—Was it described as a violent blow? There was no description of the violence; they told me she had had a blow given her on her side by her husband.—Did you observe the trismus, the setting in of the lock-jaw at that time? Yes.—How long was she under your care in 1854? She was under my immediate care for a fortnight.—I think you said during the whole of the time there were symptoms of rigidity about the lower jaw? Yes.—Then she got better? Yes.—When did you see her again? I was called to her in March, 1855.—How long was she under your care then? About a week.—During the week did the locking of the jaw continue? Yes.—The whole week? Yes.—Then she got better? She has never got thoroughly well.—She has not got lock-jaw? No; she has tetanic extensions of the limbs in any case of excitement.—Twitchings? Yes, twitchings.—The disease is in action in her system? At the present time.—That is your opinion? That is my opinion.—When did you see her last? I saw her yesterday.

Dr. GEORGE ROBINSON sworn.—Examined by Mr. *Kenealey*.

Are you a Licentiate of the Royal College of Physicians and Fellow of the Royal Medical and Chirurgical Society of London? I am.—Are you Physician to the Newcastle-on-Tyne Dispensary and Fever Hospital? I am.—Have you devoted considerable attention to pathology? I have.—Have you published treatises on it? I have published essays.—How long have you practised as a physician? I have for ten years.—Have you heard the medical evidence given in this case? I have heard the whole of the evidence.—Can you say what, in your opinion, is the cause of Mr. Cook's death?

Lord CAMPBELL.—That is from the symptoms you have heard described? He died from tetanic convulsions; by which I mean, not the disease of tetanus, but convulsions similar to those witnessed in tetanus.

Mr. *Kenealey*.—Do convulsions of that kind occasionally assume the nature of epilepsy? Yes.—Are there more kinds of convulsive diseases the origin of which is unknown? I know of no department of pathology which is more obscure than that of convulsive diseases; I have seen post-mortem examinations after death from convulsions.—And you have been able to discover no trace which would cause those convulsions? I have been present at post-mortem examinations of persons who died from convulsive diseases; I have sometimes seen no morbid appearance whatever, and in other cases the morbid appearances which were visible were common to a variety of diseases; the latter do not appear to me sufficient to account for the death which took place; convulsive diseases undoubtedly depend very much on the state of the nerves; they are all connected with disorders of the nervous action; the brain has great influence in producing convulsive diseases, but the spinal cord has a greater influence.—Would the presence of gritty granules in the neighbourhood of the spinal cord be likely to produce convulsive diseases? It would.—Does it appear that there is a distinct term applied to such a case, the name of spinal epilepsy; is there such a name? There is such a disease as spinal epilepsy, which is accompanied by strong convulsions, which might resemble in a great degree those described in the present case.—Would periodicity belong to convulsions arising from spinal epilepsy? Yes, it would do; I should say from the evidence I have heard Mr. Cook's mode of life would predispose him to apoplexy.—Have you turned your attention to the poison of strychnia? I have witnessed some experiments and performed a few; I was going to add I have prescribed it medicinally.

Lord CAMPBELL.—In cases of paralysis?

Mr. *Kenealey*.—Have you detected it in the blood and the liver? I was present at an analysis performed by Mr. Herapath.

Cross-examined by the *Attorney-General*.

You say the convulsions of epilepsy sometimes assume a tetanic character; how many cases have you seen of epilepsy in which that has been the case? In all cases of epilepsy there are violent convulsions; I cannot tell you how many I have seen assume a tetanic character; perhaps 20.—Would you say that? Yes.—Has it gone as far as opisthotonos? Not the extreme opisthotonos, not the opisthotonos of tetanus; the whole body has been straightened out, and the head thrown back.—Not the symptoms of marked opisthotonos? A slight degree rather of opisthotonos; I attended to the description given by Mr. Jones of the symptoms of Mr. Cook; that the body was so bowed that he could not raise it; so bowed that it would lean upon its heels and the back of its head if it had been turned over.—Have you ever seen epilepsy like that? I have seen it in the same degree.—Have you ever seen anything in epilepsy approaching to it? I can only repeat what I said before; I have never seen anything approaching to it.—I will put the symptoms that did occur in this case; have you ever seen a body so stiffened by spasms as this? I have seen the body so stiff that if you attempted to lift up the hand——.—But have you ever seen it so that you could not lift it at all? You can lift the body with sufficient force; I have never seen it so that the body would rest on the head and heels.—Is that a symptom peculiar to tetanus? You mean tetanus the disease.—I mean what you medical men properly call tetanus? You may have convulsions of the same character occurring from other causes, tetanic convulsions from the operation of various poisons.—I am putting to you natural disease, or natural tetanus; I am not dealing with poisons; keep to natural diseases: did you ever know these symptoms of opisthotonos, in that shape or to that extent, arise from anything but tetanus? Not within my own experience; I have read of epilepsy being accompanied with tetanic convulsions.—But you have never met this opisthotonos in the form I am now speaking of? The degree was not mentioned; it has been merely said accompanied by opisthotonos: as far as my experience goes, epilepsy, when it assumes that marked character, is accompanied with unconsciousness: I have read in a case of Dr. Marshall Hall that sometimes unconsciousness is not present; he does not mention



whether death took place in this case or not.—Does that make all the difference? Undoubtedly; the disease would be more severe.—Can you give me a single case that you know of, either of your own experience or on record in medical works of authority, where there has been death from epilepsy, and consciousness has continued? I cannot give you the narrative of any case; but if death had occurred in Dr. Marshall Hall's case that would have supplied them: Dr. Marshall Hall is living.—In this city? I do not know.—You said, in answer to my friend, that gritty granules would be likely to produce convulsive diseases; what extent of development, in your judgment, must such granules reach to produce an action in the spinal marrow? I should say there is no relation between the size of the granules and the extent of the effect produced.—Would you expect, when they began to get to that size, that would have any effect on the nervous system; if they would begin to show their effect more or less gradually? No, in epilepsy I have myself observed several granules in the membrane of the brain; and any disturbing cause in the system I think would be likely to produce convulsions; I believe that the granules in this case were very likely to have irritated the spinal cord, and an attack might very likely come on at once in a fit of epilepsy. There would be pain during the continuance of the violent spasms of the patient, not necessarily pain merely from the spasms.—Are you speaking now of the disease which Mr. Partridge called arachnoid? No; these granules might or might not produce that disease.—You would expect to find inflammation in that case? Not necessarily; irritation, not inflammation; granules of that description do not often exist in healthy spines; I have never met with any surface so beautifully smooth and polished as the dura mater, and you do not meet with any roughness there; in the dissections of epilepsy in the large hospitals these small granules have been found very frequently; the granules, in my opinion, would be likely to produce epilepsy; in my experience I have never known epilepsy unaccompanied by unconsciousness; nor have I ever known epilepsy producing the marked symptoms of tetanic character which occur in Mr. Cook's case.—Do you feel yourself warranted in giving an opinion that these granules caused epilepsy in this case? I think I might have done so.—Would you undertake to state your opinion that they did? If I put aside the hypothesis of poisoning by strychnia I would; several of the symptoms described by Mr. Jones, the severe paroxysm, the stiffening of the body, the convulsions of all the muscles of the trunk and the limbs, and the complete opisthotonos, are also common to other convulsions.—I ask you whether they were symptoms consistent with death by strychnia? They are certainly consistent with that view.—They are the symptoms that you would expect after strychnia? I think there would have been some slight premonitory symptoms; if I had no other case to which I could ascribe the death I should ascribe it to epilepsy.—But in this case you admit some of the symptoms are inconsistent with your experience of epilepsy?—Yes.

Re-examined by Mr. *Serjeant Shee*.

Or in your reading? They are consistent with the possibility of epilepsy; they are consistent with convulsions of an epileptic form, ending in death, though perhaps not actually amounting to epilepsy; epilepsy itself is rather an objectionable term, and has been objected to by some eminent writers.—Supposing it to have been actual epilepsy, at what period of the last attack should you say the epilepsy commenced? When Mr. Cook sat up in bed and cried out; I should imagine that would be the sense of suffocation which would be the premonitory symptoms.—After the final shriek, by throwing himself back in his bed, is there any symptom from which you could infer consciousness after that moment? Except that he swallowed some pills.

The *Attorney-General*.—Allow me to remind you he asked them to turn him over.

Mr. *Serjeant Shee*.—Imagine the symptoms to which my learned friend referred opisthotonos were mentioned; would you consider that a body which immediately or within ten minutes after death, when it is quite warm, lay perfectly straight, the hands extended, resting on its heels and its back and its head, was in a state of opisthotonos? Not if it rested on its back; in my judgment it might be that the body might assume, without actual rigidity, the bow-like shape and appearance which has been spoken of, and yet, when turned over, lie flat in the bed, resting on the head, back, and heels.

Dr. BENJAMIN WARD RICHARDSON sworn.—Examined by Mr. *Serjeant Shee*.

Are you a physician practising in London, and a licentiate of the faculty of physicians and surgeons in Glasgow? Yes; and a member of the College of Physicians here.—I believe you have never seen a case of idiopathic or traumatic tetanus? No; but I have seen a considerable number of deaths by convulsions, and I have known those cases when they have ended in death sometimes assume tetaniform appearances, without being, strictly speaking, tetanus; I have seen the muscles fixed, especially the muscles in the outer part of the body, the arms stretched out, the hands closely and firmly clenched,

which continues until death.—Have you observed a sense of suffocation in the patient? I have; I should like to correct the last answer, and say I have seen the hands extended in cases where death took place in my presence.—Have you known any contortion of the legs and feet in some instances? In some portion of the bodies, of the legs and feet; and the patient, if conscious, generally desires to sit up.—Have you known persons die from a disease called angina pectoris? I have; and the symptoms of the disease, when it is fatal, resemble closely the symptoms of the paroxysms in which Mr. Cook died; angina pectoris is classed amongst the convulsive or spasmodic diseases. Has it any distinctive feature in post-mortem examination? No distinctive feature; probably under some circumstances there may be disease detectable.—Generally, I presume, detectable? By no means.—Will you state what symptoms of the disease, when it has proved fatal, you particularly refer to as resembling those that have been stated in the case of Cook? I could not do better than describe a case which I myself saw: a child, ten years of age, was under my care in November, 1850; I supposed she had suffered from scarlet-fever; she had a slight feverish attack; she recovered so far that my visits ceased on the 26th of November; I left her amused and merry in the morning; at half-past ten I was called to see her dying; she was supported upright at her own request by her sister; the face was pale, the whole of the face rigid, the arms rigid, the fingers clenched, the respiratory muscles completely fixed and rigid; and with all complained of an intense agony and restlessness such as I have never witnessed; there was perfect consciousness; the child knew me, and expressed her intense agony; eagerly took from my hands some brandy-and-water from a spoon; I left at that time for a special reason, to get some chloroform for the purpose of producing relaxation by chloroform vapour; on returning, the head was thrown back; I could detect no respiration; the eyes remained fixed open, and the body just resembling a fit: she was dead; I did not observe whether the *rigor mortis* came on at its usual time or later; on the following day it was on when I made a post-mortem examination; unfortunately I left the body in the arms of the sister, and of course it was laid out afterwards, and I cannot speak as to the symptoms.—Will you state to the Court what you observed on the post-mortem examination? The brain was slightly congested; a portion of the upper part of the spinal cord seemed normal and healthy; the lungs were collapsed; the heart was in such a state of firm spasms and so empty, that I remarked it might have been rinsed out, it was so perfectly clean and free from blood.—Did you find any disease which could have caused death? No; there were no appearances of functional disturbance except a slight effusion of serum in one pleural cavity, I forget on which side; I believe the right side; I examined the other part of the spinal cord, and it was in a normal state; they told me the child was unusually well at supper, and very merry; that she then went to bed with her sister, and in lying down suddenly jumped up and said “I am going to die,” and begged her sister to rub her; there had been nothing of the same kind in the family; the father was then dead.—What was the age of the mother?—The mother was a woman of fifty years of age at the time.

*Cross-examined by the Attorney-General.*

Do I understand you to say that in your opinion it was a case of angina pectoris? I do; it accords with all the descriptions of angina pectoris by the best authors.—What authors? Latham, Watson, Boyeau in France, Pratt, and Sir Everett Holme.—What is the nature of the complaint of angina pectoris? That is quite another question; it arises from ossification of the smaller muscles of the heart; that is the opinion of Dr. Jenner.—What is the true nature and cause of angina pectoris? It has been laid down as a case in which there is disease of the coronary vessels in the heart, valvular disease of the heart, a disease of the valves of the heart; there have been many cases in which there has been no discovered cause; I know it is angina pectoris as I do every other disease; we assume, from certain classes of symptoms, what the disease is, and we call those diseases—

Mr. BARON ALDERSON.—Why is it called angina pectoris? Oppression of the chest: it is marked by that.

The Attorney-General.—You say there have been cases of angina pectoris, or those symptoms which you class under angina pectoris: are not those symptoms that would be produced by taking strychnia? Not exactly; the difference is this: in angina pectoris the patient requests to be rubbed to give relief: the hands generally are rubbed.—Have you not known that occur in cases of strychnia? I have not seen a case of strychnia poison.—In your reading? It may be so; I think not.—Did you hear the Leeds case? Assuming that that was a case of strychnia, I do; I must say the two forms are so strictly analogous, that I feel there would be a very great difficulty in detecting one from the other.—In detecting what? In distinguishing angina from strychnia: I wish to add, with



this difference, that angina is paroxysmal, it comes and goes, and strychnia would not be so likely to do that; you would not expect it for many months.—But in this case you are speaking of it ended in the first paroxysm? Yes.—That is a case you are ascribing to angina pectoris? Yes; as regards one, no difference.—I ask you this: how then can you be justified, in cases where you discover no abnormal conditions of the heart or its arteries, in setting down the death to angina? Precisely as if I saw the symptoms of epilepsy, I should accept them as such.—Supposing the disease was referable to two causes, in the absence of all evidence what is your reason for setting it down to one in preference to the other? I quite admit that in that case, if I had known as much of the nature of strychnia as I do now, I should have gone on to make analysis; I have had only two cases of this description, and I have heard of another one.—What was the other one? The other one was a case of organic disease of the heart; I cannot speak exactly as to the proportion the cases of angina pectoris bear to cases in which no irregular symptoms have been discovered, but I believe in six or seven cases, or probably more, there has been no pathological reason for death discovered.—Is this disease of angina pectoris attended with painful symptoms before it terminates in death? Most painful.—For how long? The paroxysms terminating in death may run on for more than eight minutes; it comes on suddenly.—And kills at the first attack? Not always; not generally.—It generally spreads itself over a certain period of time? I presume it does generally.—You said that the head was somewhat bent back; was that what would be called, in the medical sense of the word, opisthotonos, the body resting on its head and heels? Granting that a body is sitting up when I see it, I cannot conceive what the position might be; there was rigidity, not amounting to opisthotonos, but still very marked: the neck was so stiffly bent back, that if the body had been laid down, and the lower limbs, which I did not see, had been the same, I have no doubt that would be so; I did not look at the legs to speak with accuracy about them.—You did not pay any attention to the lower extremities? No.—Did you send a note of the case to any publication? No; I believe I reported it to the Medical Society of London.—With regard to epilepsy, you say in epileptic convulsions you have seen the hands clenched firmly till death; did you ever see them so long after death? I have seen them firmly clenched, not in epilepsy only.—I am speaking of epilepsy; in what cases have you seen them firmly clenched after death? In cases where there has been violent convulsion; I saw them once from hæmorrhage, and where the convulsions were violent.—In other cases have you, besides hæmorrhage? I can only say in a general sense I have seen the hands clenched over and over again, and have paid no attention to it.—In what class of cases? My belief from seeing people die is that the clenching of the hands is, in many cases, mere matter of accident.

Re-examined by Mr. *Serjeant Shee*.

Have you known cases personally or from your reading that patients recover from angina pectoris, and whether within a short time afterwards they sometimes have another attack? They do, sometimes in so short an interval as 24 hours.—During the interval between the two attacks, what is the condition of the patient? Perfectly healthy to all appearances.—Are the symptoms described in the evidence more like the symptoms of angina pectoris or strychnia poison? Speaking scientifically, I should certainly say angina pectoris.—You had no reason of any kind to suspect poison of any kind in that case, either before or now? Not the slightest.

Dr. WRIGHTSON recalled.—Examined by Mr. *Serjeant Shee*.

In your opinion, when the strychnia poison is absorbed into the system, does it become diffused by the circulation of the blood through the system, or does it collect in the tissues? I should think it is diffused throughout the entire system, if it be wholly absorbed.

Lord CAMPBELL.—That effect would be produced by circulation? Certainly, my Lord: I was going to observe it would depend on the rapidity with which death takes place after the absorption.—That is the diffusion?

The *Attorney-General*.—No, the complete absorption? No, the diffusion, and on the quickness of circulation.

Cross-examined by the *Attorney-General*.

Would the length of time which elapses between the taking of the strychnia and the death be likely to be attended by more complete absorption? I do not completely understand your question.—Would the absorption be more complete if a longer time were given for the process between the administration and the death? Certainly, it would be.—Is that supposing a minimum dose given sufficient to destroy life, if a long interval elapses

between the taking of the poison and the death, the more complete the absorption and the less the chance of finding it in the stomach? *Ceteris paribus* that would be so.

Mr. BARON ALDERSON.—In such a case, would you have a good chance of finding it elsewhere? Yes.

Mr. *Serjeant Shee*.—Would you have a very good chance of finding it in the kidneys and spleen? Yes.—And in the blood? Yes.—Would the rapidity of the absorption correspond with the rapidity of the attack; if it were long in being absorbed, would it be long before the attack commenced? That is more a medical question.

CATHERINE WATSON sworn.—Examined by Mr. *Grove*.

Do you live at Garnkirk in Scotland? Yes.—Were you affected with a fit in October of last year? Yes.—Had you any wound or injury on your body before you were affected? None.—Had you taken any poison? No.

Cross-examined by the *Attorney-General*.

When did you first feel ill? It was a little before 11 o'clock at night.—Had you been ill in the day? I was not; I found myself heavy; I was not in pain anywhere; I found myself low in spirits, but was not in pain.—Did you find yourself stiff at all? No, not before 11 o'clock.—When first had you pain? I took a pain in the stomach first, a few minutes before 11.—What came on next? Cramps; two cramps in my arms.—What next? Then I was very ill; I was quite insensible; I cannot tell.—Had you ever had cramps like this before? No, never.—Nor since? Nor since.—Have you felt any pain ever since? No, sir.

Re-examined by Mr. *Serjeant Shee*.

Do you remember being bled? I was.—You do? Yes, that is the only thing I do remember.

[Saunders, the trainer of the deceased's horses, was then called on his subpoena, but did not answer.]

*Adjourned till to-morrow at 10 o'clock.*

## TENTH DAY'S TRIAL.

MAY 24, 1856.

OLIVER PEMBERTON, Esq., sworn.—Examined by Mr. *Serjeant Shee*.

I believe you are the lecturer or teacher of medicine at Queen's College, Birmingham? Of anatomy.—And surgeon to a hospital? The General Hospital at Birmingham.—Were you present at the examination of the body of the late Mr. Cook, after it had been exhumed in the month of January or February? I was.—Did you observe the condition of the spinal cord? I did.—Was it in your judgment in a condition to enable you to state with confidence in what state it had been immediately after the death of the deceased? It certainly was not.—Will you state what its condition was that my lords and the jury may judge? The upper part, where the brain had been separated, was green in colour from the effects of decomposition; the remaining portion, though fairly preserved for a body buried two months, was so soft as not to enable me to form any opinion as to its state immediately after death.

Cross-examined by Mr. *Attorney-General*.

You did not see the body till it had been opened twenty-four hours? I do not know how many hours, but it was the day after the bony canal had been opened.—Would the opening of that bony canal expose the interior substance of the cord to the atmosphere? To a certain extent; but it was still covered with a very hard, dense membrane; it was still protected.—That membrane had not been opened? No.—Just recollect yourself? I am not sure, but it is my impression decidedly that the outer covering, what is termed the *dura mater*, was not opened till I was present.—You are not sure about that? I have said so.—You attended, I think, on the prisoner's behalf? I did.—Was there another person present on behalf of the prisoner Mr. Palmer? Yes, Mr. Bolton, of Birmingham.—The Professor? Yes, at Queen's College.

Re-examined by Mr. *Serjeant Shee*.

You had no difference of opinion?

Mr. *Attorney-General*.—It is a question of fact, and not a question of opinion.



Mr. *Serjeant Shee*.—I did not ask what Mr. Bolton said.

Mr. *Attorney-General*.—I object to it; it is a question of fact, otherwise I should not object.

Lord CAMPBELL.—We think the question ought not to be put.

Mr. *Serjeant Shee*.—My lord, this closes the medical testimony.

Mr HENRY MATTHEWS sworn.—Examined by Mr. *Grove*.

You are an inspector of police? I am.

Lord CAMPBELL.—Where? At the Euston Square railway station.

Mr. *Grove*.—Were you stationed there on Monday the 19th of November last? I was.—What afternoon train or trains are there that stop at Rugeley? At 2 o'clock in the afternoon is the last train.

Lord CAMPBELL.—At that time there was a train? There was.

Mr. *Grove*.—Nothing after that, I think you said? No.—When does the express leave? At 5 o'clock.

Lord CAMPBELL.—It left at 5? Yes.

Mr. *Grove*.—When does it get to Stafford? At 8'42; it got to Stafford that night at 8'45; the time it was due was at 8'42.

Mr. *Attorney-General*.—He cannot know that; but I make no difficulty about it.

Mr. *Grove*.—The distance from Stafford to Rugeley is how much? By railway 19 miles.—And by the road? I do not know.—Can you say whether it is more or less? I cannot.—Is that the quickest mode of getting to Rugeley by the express train, and by road after the afternoon train leaves? It is.

Lord CAMPBELL.—That is the quickest way? Yes.—After the 2 o'clock train? Yes, my lord.—By express? Yes.

Mr. *Attorney-General*.—I have nothing to ask this witness.

Mr. JOSEPH FOSTER sworn.—Examined by Mr. *Gray*.

Are you a farmer and grazier at a place called Sibbertoft? I am.—What county is that in? Northampton.—Did you keep the George Hotel near Welford in Northamptonshire up to Lady-day last? Yes.—Did you know the late John Parsons Cook for any time before his death? Many years.—Have you met him at various places in the hunting-field? Yes, scores of times.—And at dinner? Yes, at different places.—Had you any opportunity of judging what was the state of his health and constitution? I think generally a weak constitution.—From what circumstances which came under your own observation did you form that judgment? I formed that judgment because I had been along with him when he has had a bilious attack and sick headache.—Are those the only circumstances from which you formed that judgment? Yes.

Cross-examined by Mr. *James*.

How long had you known him? I think from 8 to 10 years.—He hunted regularly in Northamptonshire? For these last years he has.—How many horses did he keep? Sometimes two and sometimes three hunters.—I suppose he hunted sometimes three or four times a week? I dare say he has on three days; I saw him three days a week.—Pretty regularly? Yes, pretty regularly when he has been well.—Do you know Mr. Pell, whose name has been called here, an attorney at Northampton? Yes.—Was there a cricket-club at Welford? Yes, and there is now.—Was Mr. Cook a member? Yes, I saw him there, but not for these last three or four years; I cannot say.—Was the club held at your house? No, it was held at the Talbot Arms, at the cricket-ground.

Lord CAMPBELL.—You did not see him playing cricket for three or four years? No.

Mr. *James*.—Where did you see Mr. Cook last before the 13th of November, before Shrewsbury races? I saw him the last at Lutterworth some time about the middle of October; I cannot speak to the day; I met him in the middle of the street.—Had the hunting commenced then? No, I think not.—When was it that he last had a sick headache? I think a year and a half ago.—Where was it that you saw him when he had the sick headache? I saw him at my own house; he could not hunt that day.—Did his horses stand at your stables? No, never; he often called.—He could not go out hunting that day; did he come down to your house that day? He was not well enough; he did not hunt that day at all.—Was he living with Mr. Jones of Lutterworth? No, he was not.—Was he dressed in his hunting-dress when he called? He was.—Was he out the next day? I do not know indeed.—Try and remember: how soon after that did you see him, after the headache? I cannot speak to the time; about a week or so; I cannot speak to the time.

Lord CAMPBELL.—How long did he remain at your house? About a couple or three hours.

Mr. *James*.—Had he dined at your house the day before? He had not.—He stayed a couple or three hours, and went home? I believe he did.—When did you see him next? I dare say it was hunting; I cannot recollect.—Will you swear that you did not see him within a week in the hunting-field? No, I will not swear I did not.

Re-examined by Mr. *Gray*.

My learned friend has asked you as to one particular occasion when he had a sick headache; do you form your judgment upon that alone?

Lord CAMPBELL.—You must ask him what other particulars he knew upon any other occasion.

Mr. *Gray* (*to the witness*).—Upon what other circumstances besides that one instance did you form your opinion? I never saw him but once, seven years ago, at Market Harborough, cricket-playing; that was seven years ago.—Upon a different occasion? Yes, cricket-playing; there was a cricket-match after dinner.

GEORGE MYATT sworn.—Examined by Mr. *Grove*.

You are a saddler, I believe? I am.—And you reside at Rugeley? I do.—Were you at Shrewsbury races on the Tuesday that Polestar won? I was.—Were you at the Raven Hotel that evening? I was on the second day.—Was it the Tuesday or the Wednesday? It was the Wednesday.—Did you see Mr. Cook and Mr. Palmer at the Raven on that evening? Yes, I did.

Lord CAMPBELL.—About what hour? I should say about 12 o'clock at night.

Mr. *Grove*.—Were you there before them? I was waiting in the room when they came.—In what state were they, sober or drunk, or either of them? I considered Mr. Cook the worse for liquor.—Had they anything to drink with you? Yes, they had.—Will you state what took place, and what they had? They proposed having a glass of brandy-and-water before they went to bed.—Did you have some? Yes, we had each of us a glass.—Did anything take place while you were drinking it? Mr. Cook made some remark and said he fancied it was not good.—Anything further? He drank his part of it up, the best part of it; it was Mr. Cook that made the remark that he thought something was in it; he gave it to some one by to taste it, and he said he could not taste anything that was the matter with it.—Did anything further take place? Mr. Cook proposed to have some more, and Mr. Palmer said he would not have some more unless Mr. Cook drank his up; there came no more brandy in, and they proposed going to bed.

Lord CAMPBELL.—And they went to bed? Yes, we went to bed along with Mr. Palmer; we went to bed; I meant to say that I slept in the same room as Mr. Palmer.

Mr. *Grove*.—Was the brandy brought in tumblers or in a decanter? It was brought in in a decanter.—Did you each of you help yourselves from the same decanter? Mine was put out; I cannot say who put it out; it was poured out to me.—In your presence? Yes.—Did you leave the room at all during the time? No, I did not.

Lord CAMPBELL.—You did not leave the room from the time that Mr. Cook and Mr. Palmer came till you all went to bed? Exactly.

Mr. *Grove*.—Was anything put in the brandy-and-water during the time you were there? I never saw any.—Could it have been put in without your seeing it? It could not.—You said, I think, that Mr. Cook left, and you and Mr. Palmer went into the same room? Yes, in the same room; we slept in the same room.

Lord CAMPBELL.—Did Mr. Palmer and you go into the same bed-room? Yes, we had a bed-room: I did not say Mr. Cook left the room; we went out, and left Mr. Cook in; to the best of my belief, we left Mr. Cook in the sitting-room: Mr. Cook slept in a separate room.

Lord CAMPBELL.—You left Mr. Cook in the sitting-room? Yes.

Mr. *Grove*.—Did anything further occur during the night? Nothing.—In the morning what took place? When we went to bed I locked the door, and Mr. Palmer was never out during the night.—In the morning what happened? When we got up in the morning he asked me to go and call Mr. Cook; I did so; I went to Mr. Cook's bed-room door, and I rapped at the door, and he told me to come in; I went in, and he told me how ill he had been during the night.

Lord CAMPBELL.—Do you recollect what he said about his illness? Yes; he said he had been obliged to send for a doctor.

Mr. *Grove*.—Anything further? He asked me what was put in the brandy-and-water,



and I told him I did not know that anything was put in: he asked me to send the doctor to him, meaning Mr. Palmer.—Did you do so? I did.—When did you see him next? When he came in to his breakfast.—Was Mr. Palmer with him? Mr. Palmer was in the sitting-room.—Did you all three breakfast together? I believe we breakfasted first, that is, Mr. Palmer and me, before Mr. Cook came in; he came directly after we had had our breakfast.—Did he have breakfast? Yes.—In the same room? Yes.—Did you afterwards leave for Rugeley? At night, the three—Mr. Cook, Mr. Palmer, and myself; we dined together first.—Where did you dine? We dined at the Raven.—You said you left for Rugeley; about what time? Six o'clock; that was the time, as near as I recollect.

Lord CAMPBELL.—How did you travel? By express train from Shrewsbury to Rugeley, and the doctor paid for the three tickets.—Did anything take place on the way? Yes, there did.—What was it? Mr. Palmer was sick on the road, and Mr. Cook and him said, "they could not account how it were."—Did he vomit? Yes, he did, through the window.

Lord CAMPBELL.—In the railway carriage? No, not in the railway carriage; it was from Stafford to Rugeley, in the fly: we arrived in Stafford at the Junction.—Where did you stop in travelling from Shrewsbury? We stopped at the Junction inn at Stafford, and on the road from Stafford to Rugeley Mr. Palmer was sick.—Did you get into another carriage? We got into a fly, there being no train.

Mr. Grove.—Can you tell me what was said on the road? They could not account for it, unless it was cooked in some brass utensil.—Was anything further said about it? Or the water; there had been a great many people ill during the Shrewsbury races; that was the remark they made.—Did you know yourself that a good many people had been ill at the Shrewsbury races? Yes; I had heard them speak about it before.—You heard the people speak about it who had been ill themselves? I heard those who had been ill speak about it, and they could not account for it.—Can you tell me the distance from the station at Stafford to the inn at Rugeley by the road? Nine miles by the road, by the turnpike with a fly.

Cross-examined by Mr. James.

How long have you known the prisoner? All his life.—Does he deal with you for his saddlery at his training stables? He does.—Have you been in the habit of going to races with him a good deal? I have not; occasionally; I work for racing people, and I now and then go.—You were at Shrewsbury with him in November; were you at Doncaster with him? I was not.—Have you never been at Doncaster races with him? Not with him.—Never? Never in my life.—Did you never sleep in the same room with him at Doncaster? No.—What races had you been to with him besides Shrewsbury in that year? I had been at Doncaster once with a gentleman of the name of Robinson?—What other races did you go to with him? Wolverhampton.—When was that? In August, the 11th, 12th, or 13th.—Was that in August of last year? Yes, it was.—Did you go with him? Yes.—Did you sleep in the same room with him? No, I did not sleep with him at all.—Did you sleep in the same room with him at Wolverhampton? I never slept with him at all at Wolverhampton.—But in the same room with him; be careful? I did not.—You will swear that? Yes.—Did you live in the same hotel with him? No, I did not.—Where did you stop at Wolverhampton? I have a brother-in-law at Wolverhampton, and I stopped there.—How long were you at Wolverhampton races? I believe a couple of days.—Did you dine with him? No, I believe I never did.—Will you swear that you did not at Wolverhampton? Yes.—Nor breakfasted with him? Nor breakfasted with him.—What other races were you at in that year with him? Lichfield.—When were they? In September; I cannot call it to my mind when they were; I was there.—Did you go with him? No.—They are held near to Rugeley? Within, I suppose, ten miles.—Did you sleep at Lichfield or come home? Home, we did not sleep at Lichfield; at least I did not go with Mr. Palmer at all, and I did not come home with him.—What other races were you at? I think that was about all the races I was at.—Last year? Yes.—Have you never slept in a double-bedded room with Mr. Palmer at any other races besides Shrewsbury? I recollect very well sleeping with him at Shrewsbury; no, I believe not.—Will you swear that? Yes, I believe I can.—Will you? Yes.—Had you never been to any other races and lived in the same hotel with him but at Shrewsbury? No.—That you will swear? Yes.—Were you at Worcester? Never in my life.—Never? No further than I have been to have refreshment at Wolverhampton, but I never slept at Wolverhampton; nowhere besides Shrewsbury, I believe.—Did he pay your expenses to Shrewsbury? I paid my own there; he paid them back up to Stafford, and Mr. Cook paid the fly up to Rugeley.—Did he pay your expenses of living at Shrewsbury at the hotel? Yes, he did.—Will you swear he has never done that at other races? If he did so they are generally deducted out of the bill for working for him.—Will you

swear that he has never paid your expenses of living at any other races? Yes.—You will? Yes.—He never paid your expenses? No.—What do you mean by saying “if he did they were deducted out of the bill?” I worked for him.—Has he paid your expenses at other races, and have you deducted that from your bill? He never paid no other but the Shrewsbury races; he paid what the expenses there were; we dined together, and it was put in the bill; I offered to pay mine, and he said he would pay it.—He has not done that at other races for your dining? No, he never paid nowhere besides Shrewsbury.—That you will swear? Yes.—Were you at races with him the year before? I dare say I was; I cannot recollect.—Were you at races with him in the year 1854? Yes.—At how many? Perhaps about two or three, I cannot call it to my mind how many.—Have you been with Palmer since he has been in Stafford gaol? I was at Stafford in the gaol there; I saw him with Mr. Smith.—Did you have an interview with Palmer in Stafford gaol? I was there once.—How long were you with him? About a couple of hours.—When was that? I did not take any account of it: I should think a month ago, or 5 weeks: I cannot tell to a week when it was.—Was it since the true bills were found against him at the Stafford Assizes? I cannot exactly call to my mind; I never took no notice; I saw him at Stafford.—Were you not with him in the gaol since the true bills were found against him at Stafford Assizes? I cannot say.—Since the Stafford Assizes? I cannot say whether it was before or after I saw him there I was there.—How came you to go? Because Mr. Smith said he was going, and I thought I would like to see him.—You were with him for about two hours? Yes, I was.—Had you been in the habit with Palmer of betting upon his horses? I have now and then stood half a sovereign or a sovereign; that was the most I have done.—Did he put you on his horses occasionally? I merely stood half a sovereign or a sovereign; that is the most I ever did.—Do you not know what I mean by that phrase? Yes, I do.—Did you bet at Shrewsbury? No, I did not.—Not on any of his horses there? Not upon any of Mr. Palmer's horses at all, and no one else's.—Did you back Mr. Cook's mare Polestar? No, I did not.—When you have betted a sovereign or half a sovereign, has it been at races where Palmer's horses have run? Yes, or any other horse; I was not tied to his alone.—But did you bet with Palmer? No, I had nothing to do with betting with Mr. Palmer.—But on the same side with him: have you had a part of his bet, and stood with him upon a horse? I have stood a sovereign.—With Palmer? Yes.—What time did you see Mr. Cook on the Wednesday evening at the Raven? I started from Stafford, I believe, at 6 o'clock.—At what time at the Raven did you first see Mr. Cook; you said you saw Mr. Cook and Palmer at the Raven? You asked me what time I saw Mr. Cook.—Yes, at the Raven, in Palmer's company? I saw Mr. Cook by himself, he was the first.—What time did you see Mr. Cook in Palmer's company at the Raven on the Wednesday night? As near 12 o'clock as possible.—Had you been dining with Palmer? No, I had not.—Where had you dined? At home, at Rugeley.—At what time did you get to Shrewsbury on Wednesday night? I should say about 8; it might have been between 8 and 9; I should fancy it would.—How soon did you see Palmer after arriving at Shrewsbury on the Wednesday night? I went to the Raven; I knew the room that Palmer generally had, being there before; I went up to see if Palmer was in.—About what time was that? I went directly from the railway station, between 8 and 9; I went straight up.—Did you go into the room at the Raven, to Palmer's room? The first as I saw against the room door was Cook, and he said, “Halloa! what brings you here?” he was by the door outside buttoning his coat: I told him I was come to see how he was getting on.—How soon did you go into Palmer's room? Palmer was gone out; then I went into the town a while.—How soon did you get back to the room in the Raven where Palmer was?—I should suppose I might be about an hour out.—You returned? Yes, and went into the room.

Lord CAMPBELL.—You went into Palmer's sitting-room? Yes.

Mr. James.—Was Palmer there, or did you wait till he came back? No, he was not there.—Did you wait in the sitting-room till he came? Yes; there was a person of the name of Shielley there, a betting man.—How long were you waiting there before Palmer came? I should say a couple of hours or more; I cannot say to half an hour.—About what time do you say it was when Palmer came in? I should say about 12 o'clock as near as possible; I cannot say to half an hour; I had no watch and saw no clock.—Did he come in alone? He came with Mr. Cook.—Mr. Cook was the worse for liquor? Yes.—You saw that when he came in? Yes.—Was he very drunk? No.—Rather? Yes.—So much the worse for liquor that you could easily see it? Yes, I could.—How soon after Mr. Cook came in the worse for liquor was the brandy-and-water produced? Directly.—How was it served? Brought in a decanter.—And the water? The water might be on the table; I cannot say how it came in.—Were there any tumblers on the



table? Yes, there was, and we drank it out in the tumblers.—Were they all brought up together, the tumblers and the brandy? I should say they were.—And the water? I do not say that it was; the water might be there; it generally is the ease.—Do you remember Mrs. Brooks coming? No, I do not.—Do you recollect Palmer being called out of the room to speak to her? No, I do not.—Do you recollect Mr. Fisher coming in? I remember a gentleman coming in, but I have not the pleasure of knowing him.—Do you not know now that it was Mr. Fisher? I know him by calling when he came; he came by my shop.—Do you know now that it was Mr. Fisher? I know there was a gentleman of the name of Fisher.—Do you remember the person whom you now know to be Mr. Fisher coming in? Yes.—Before Mr. Fisher had come in did Palmer take out a glass of brandy-and-water and leave the room, before Mr. Fisher came in? No, he did not.—That you will swear? Yes.—Or at any time that evening before they went to bed? Yes.—Palmer, I understand you to say, never left the room from the time he joined you in the room with Cook until you went to bed? Yes.—You swear that positively? Yes.—Sitting close to him, you observed him the whole time? I was sitting close to him.—When Mr. Fisher came in did Palmer ask Mr. Cook to have some more brandy-and-water? No; Mr. Cook asked Palmer.—What did Palmer say? He said he would not have any more unless he drank his brandy-and-water.—You say that Mr. Cook was the worse for liquor, was that evident to any one? Yes; I saw it very plain.—Palmer was sitting next to you, and you observed that he was the worse for liquor? Cook.—And Palmer sat close to you? Palmer sat close to me and Cook sat next him; if it was Fisher he was at the far side.—Palmer said, I shall not have any more till you drink yours; did Mr. Cook then say, “I will drink mine,” and did he drink it at a draught? He did.—Directly after he had drunk it did he say, “There is something in it”? Yes, he did make a remark; he thought it was not good.—Upon your oath did he not say, “There is something in it”? He did say there was something in it.—Did he say, “It burns my throat dreadfully”? No, I do not know that he did.—Will you swear he did not? He said the brandy-and-water was not good.

Lord CAMPBELL.—Will you swear he did not say it burnt his throat? Yes, I will.

Mr. James.—Will you swear he did not say, “It burns my throat dreadfully”? Yes.—And nothing to that effect? Yes.—You will? Yes.—Nothing of that kind? Yes.—Did he use any other expression besides saying there is something in it? He gave it to some one to taste.—And did he make any other observation? No, he did not.—What did he do then? He gave it to some one to taste.—Who did he give it to? I believe to Mr. Fisher; I will not swear it was Mr. Fisher: he gave it to some one.—It was not Palmer who did that, it was Mr. Cook? I cannot say which it was; it was given to another person in the room; and I believe it was Mr. Fisher.—Do you know a Mr. Read? No, I do not. I have heard the name.—Did a person whom you now know to be Mr. Read come in besides Mr. Fisher? No, I do not know such a person.—How many persons were there in the room when Mr. Cook drank the brandy-and-water and said there was something in it? I believe there were but four.—Shortly after he had drunk it, and made use of that expression, immediately after that the person whom you now know to be Mr. Read came in? No, I do not know him.—Did any other person come in? I cannot say.—Try and remember how many came in; had Cook emptied the glass very nearly? As near as possible; there was a little left in.—Did Palmer touch that glass afterwards? I cannot swear whether he did or not.—Will you swear he did not sip what was left in the glass and say, “There is nothing in it”? I believe he did taste it.—How soon after Mr. Cook had said there is something in it? As soon as he had drunk it he gave it to some one else; I believe Mr. Fisher.—Did Palmer make any observation? Yes, I believe he did.—What did he say? That he could not taste anything was the matter with the brandy-and-water: I believe he gave it to Mr. Fisher and he could not.—Did Mr. Fisher, or whoever it was, say, “It was no use giving me the glass, it is empty”? I do not know, I do not recollect that he did; he said he could not taste anything the matter with it.—Upon your oath, did he not say, “It is no good giving me the glass, it is empty”? I cannot say.—Will you swear he did not? I will not swear whether he did or did not.—How soon after Mr. Cook had drunk the brandy-and-water did he leave the room? I should say we were in the room, perhaps, twenty minutes, it might have been half an hour; I cannot say exactly.—Did he leave the room before you left to go to bed? No.—That you will swear? Yes.—Did you go straight from the room up to bed, with Palmer? Yes, we went both together.—Did he leave the room at the same time with you to go to his room? Both together; we both went to the same room.—You and Palmer? Yes.—Where did Mr. Cook go? We left him in the room.—When did you hear that night that Mr. Cook had been vomiting and was ill; how soon? When Mr. Cook told me himself.—But

that night did you hear it? I never heard it at all that night: I never knew that he was ill.—How much brandy-and-water did you take that night? One glass; we had there a glass apiece.—Was it cold water or hot? Cold water we had.—It had not been heated in any brass vessel? I cannot say anything about it; I drank mine. On the following day, on the Thursday, you dined with Palmer, you say? I did, and Mr. Cook served me with what I had.—Where were you during the inquest that was held at Rugeley? At home the two days, and the last day of the inquest I went to Birmingham on business.—During the first two days you were at home at Rugeley? I was.—Did you go to it? I did not.

Re-examined by Mr. Grove.

Have you been subpœnaed by the prosecution in this case? Never; for the defence: the other party heard what I had to say about it, and examined me, but did not subpœna me with Mr. Crisp: I do not know who the gentlemen were.—You were asked as to the interview at Stafford with Palmer; was the deputy-governor of the gaol present during the whole of your interview? No, he was not; he went out once: there was another person there; who I do not know.

Lord CAMPBELL.—Some officer of the gaol? There was an officer along with us.—Did you talk at all about the trial of Palmer? Yes, we did name it, but it was about his brother.—About this case I am asking you? Nothing at all about this case, not a word.—An officer was present during the whole time? Yes.

Mr. Attorney-General.—Will your Lordship allow me to put this question to the witness: he says he has been examined on behalf of the prosecution, and I wish to ask him whether he did not tell Mr. Gardiner, the attorney for the prosecution, when asked about the brandy-and-water at Shrewsbury, that he could recollect nothing about it? I never spoke to him about the brandy-and-water at all; he did not examine me.—Did you not meet that gentleman at Hednesford, where Saunders lives, at a sale? I went into the room; I was there.—Did you not tell that gentleman at Hednesford that you could recollect nothing about the brandy-and-water at Shrewsbury? No, I did not.—Had you any conversation at all about it? I had with Mr. Stevens.—Was that gentleman present? He was.—Did you not say in his presence that you could recollect nothing about the brandy-and-water at Shrewsbury? I did not say so.—Were you not examined by Mr. Crisp and Mr. Sweeting before the inquest, and did you not tell them you knew nothing about it? No, I told him what I knew about it; Mr. Crisp was one; the other gentlemen I did not know.—You swear you did not tell them that you could recollect nothing about it? Yes, I do; I told them what happened exactly as I tell you now.

Mr. JOHN SARGENT sworn.—Examined by Mr. *Serjeant Shee*.

I believe you live on your means; you are in no business or profession? I am not.—Are you in the habit of attending races? Yes; almost every public race in the season.—Did you know the late Mr. Cook? Yes, I did.—Intimately? Yes, intimately.—And also the prisoner Palmer? Yes.—Did you a few days before Mr. Cook's death receive a letter from him? I received a letter from him during the Shrewsbury races.—Had you any notice to produce that letter on the part of the Crown? I was subpœnaed on the part of the Crown to come here to give evidence.—Have you had any notice to produce that letter? No.—Have you got that letter? I have not.—Did you make inquiries for it when you heard your evidence might be required? I did; I searched for it, but I had sent it to Saunders the trainer.—Did you make application to Saunders for it? I did.—Was it by letter? Yes, it was.—Did you receive a letter in answer to that? Yes, I did.—Have you it here? I have the letter Saunders sent me in reply to my application for that letter; this is it (*producing the same*).—Is that a letter from Saunders's wife?

Mr. BARON ALDERSON.—You can call Mr. Saunders.

Mr. *Serjeant Shee*.—We hope to call him to-day.

*Witness*.—This is the letter that I received from Saunders, and if you wish me to read it I will.

Mr. *Serjeant Shee*.—My lord does not think you ought to read it just now; have you seen Saunders since? I have.—Have you taken all the means in your power to find that letter? I have done everything I was applied to to do by Mr. Stevens to get that letter.

Mr. Attorney-General (*to Mr. Serjeant Shee*).—Have you any objection to let me see that letter?

Mr. *Serjeant Shee*.—Not the least; (*to the witness*) will you tell me whether you have a copy of that letter? I have not a copy of that letter, but I know the contents of the letter word by word.



Mr. *Serjeant Shee*.—Does your Lordship now think I may ask what the contents are; if Saunders were here I should call him first, but he is not here at present?

Mr. *Attorney-General*.—I am afraid I cannot allow this; it is very loose indeed.

Mr. *Serjeant Shee*.—Does your Lordship think it cannot be received?

Lord CAMPBELL. —We think not.

Mr. *Serjeant Shee*.—Perhaps your Lordship will allow us, if Mr. Saunders should come, to recall this witness?

Mr. BARON ALDERSON. —Certainly; is not this the proper time to call Mr. Saunders upon his subpoena?

Mr. *Serjeant Shee*.—He was telegraphed yesterday, and he may be here later in the day, my Lord. (*To the witness*) Do you know of your own knowledge, or from anything that has passed between Palmer and Cook in your presence, what they won or lost at Shrewsbury? No, I was not at Shrewsbury; I only know what Cook told me in the letter that he wrote.—Shortly before Mr. Cook's death had you an opportunity of noticing the state of his throat? I had.—Tell us when that was and where, and what occurred to call your attention to the state of his throat? I was with him at Liverpool on the week previous to the Shrewsbury Meeting; we slept in adjoining rooms to each other, and in the morning he called my attention to the state of his throat and month; and the back part of his tongue was in a complete state of ulcer.

Lord CAMPBELL. —He asked you to look at it? He did; I was in the room, and the back of his throat was very much inflamed; the uvula was swelled, and I said I was surprised that he could eat and drink in the state his mouth was in.

Mr. *Serjeant Shee*.—You said that to him? Yes.—What did he say to that? He said he had been in that state for weeks and months, and now he did not take notice of it—that was at the time he was speaking—now, he said, I do not take notice of it, I have had it for weeks and months.—Is that all that passed on that occasion between you? On the sore throat.—Had you at any time, and if so, when, an opportunity of observing the inconvenience which he actually suffered in taking anything that was at all hot? I had frequently; I met him before when his throat was in this state, and he had shown it to me previously to that.—When previously? Almost at every meeting that we attended.—Did he at any time on any of those occasions tell you of anything that had put him to great pain in the attempt at eating and swallowing? The only occasion when I saw it was by his taking a gingerbread nut on the platform.—When was that? On the platform at Liverpool after the race; he took a ginger-nut with cayenne.

Mr. *Attorney-General*.—With cayenne in it? Yes.

Mr. *Serjeant Shee*.—Do you know that he did it, or did he say he did it? I saw him do it; he took it by mistake.—What happened? It happened that he told me afterwards that it very nearly killed him.—Did he say more particularly than that what effect it produced upon him? He did not; he said it nearly killed him.—Had you the means of knowing at Liverpool whether Mr. Cook had the command of money, or whether he was in want of money? He was very poor.—That was the week before the Shrewsbury Races? It was.—What means had you of knowing that? He owed me 25*l.*, and he gave me 10*l.* on account, and he said he had not sufficient to pay his expenses at Liverpool, but that I should have the balance of 15*l.* at the Shrewsbury Meeting.—Had you the means of knowing whether Mr. Cook and Palmer were in the habit of putting on for each other—that is, betting for each other on particular horses? Yes, they were, and they did at the Liverpool Meeting.—Have you the means of knowing whether Mr. Cook lost money at Liverpool, and to whom he lost it?

Mr. *Attorney-General*.—Did you bet for him? I executed a commission for Mr. Palmer; I put the money on; Mr. Palmer told me that Mr. Cook stood a portion of that money, which was at Liverpool.

Mr. *Attorney-General*.—What was the amount of it? I think I have his letter.

Mr. *Serjeant Shee*.—I asked him if he had the means of knowing, and I think he answered that he knew the course of putting on between them.

Mr. BARON ALDERSON. —Palmer betted for Cook, and Cook betted for Palmer.

Mr. *Serjeant Shee*.—Had you known at any time, shortly before Mr. Cook's death, of his having used a lotion called black-wash? I have heard him apply to Mr. Palmer to supply him with a wash of that description.—Do you know whether that is a mercurial lotion? I do not.—I think we may say that it is a mercurial lotion.

Mr. *James*.—Of calomel and lime-water.

Cross-examined by Mr. *James*.

When was that? When he applied for it, it was at the Warwick meeting.

Mr. *Serjeant Shee*.—Had you ever seen, recently before Mr. Cook's death, his throat dressed by anybody? I never did, to my knowledge.

Mr. *James*.—That black-wash, as I understand, was not to be drunk? No, I should think not; it was a lotion.—When was that? It was at the Warwick meeting.—When? I cannot inform you the date.—What time of the year was it? There are two Warwick meetings; I cannot state positively the date.—Was it in the Spring? It was at the time that his mare Polestar ran.—The spring of 1855? The spring of 1856, I should say.—Was it in last year, or the year before; try and remember? It was last year, 1855, the latter end; the meeting after the Newmarket Meeting.—Was he at Newmarket? Yes, Mr. Cook was; he lived in the same house with me: the Newmarket Meeting was before the Warwick Meeting.—Was he at the autumnal races, and nearly all the races of last year? Yes; he was at the Cæsarowitch and the Cambridgeshire.—Nearly all the race meetings? He was.—When was the Liverpool Meeting, when he showed you his throat: a week before the Shrewsbury? Yes.—You were surprised at his eating and drinking so well; did he eat and drink well? Yes; his appetite was pretty good; that was what surprised me at Liverpool, and at the other meetings as well.—This cayenne pepper-nut, is that a nut that is made up for a sort of trick, and sold with others without it? It is the case.—Is it sold for a sort of trick? Yes; perhaps, one or two are put in a parcel, and whoever gets them gets his throat burnt.—You did not eat them? No, I did not.—He got one of them? Yes.—Have you ever tasted one? Yes, I have.—Are they pretty strong? Some are stronger than others.—With the cayenne? They have the taste of the cayenne very strong.

Mr. *Serjeant Shee*.—I ask for the letter of the 4th of January, 1855, from Mr. Cook to Mr. Palmer; Mr. Hatton has it, I believe.

Mr. JEREMIAH SMITH sworn.—Examined by Mr. *Serjeant Shee*.

You are an attorney at Rugeley? Yes, I am.—You are acquainted with the prisoner, and also were acquainted with the late Mr. Cook? Yes.—Did you see Mr. Cook at the Talbot Arms on the 16th of November, the Friday? Yes, I did.—Where did you see him; what time in the morning, and where? In his bed-room.—What time in the morning? About 10.—Were you present at his breakfast? I was.—Did he breakfast in bed? A tray was put on the bed, a small tray.

Lord CAMPBELL.—He was in bed? Yes, he was.—What did he take for breakfast? A eup of tea.—Anything in it? A wine-glass of brandy was brought in.—Was it put in his tea? Yes, in one eup of tea.—Which he drank? Yes.

Mr. *Serjeant Shee*.—Did you dine in his company at Mr. Palmer's? I did.—Had you seen him in the interval between breakfast and dinner? I am not quite positive.—What had you for dinner? We had a rump-steak.

Mr. BARON ALDERSON.—This was on the 16th?

Mr. *Serjeant Shee*.—Yes; Friday, the 16th.

We had some champagne to drink with it, and some port wine after dinner.—Did Mr. Cook drink freely or in moderation? The same as we did.—Was it freely or in moderation? We had three bottles, and he drank his share.

Mr. BARON ALDERSON.—You drank three bottles? Yes.—How many of you? We had either two of champagne and one of port, or two of port and one of champagne.

Mr. *Serjeant Shee*.—How many were there? Mr. Cook, myself, and Mr. Palmer.—When was dinner over? I should think about half-past 2, the dinner.—When did you rise from table and leave the house? We left the house, I should think, towards 6 in the evening; Mr. Palmer said he would go and write his letters.

Lord CAMPBELL.—When did you rise from table? I should think from about 5 to 6.

Mr. *Serjeant Shee*.—Did you and Mr. Cook leave the house together? We did.—Where did you go together? We went to my house, and from there to the Albion hotel, which is next door.—Did you have anything to drink there? We had a glass of brandy-and-water, cold, each.—Did Mr. Cook leave you there, or did you go away with him? He left me there.—Do you remember anything that he said before he went away as to the way he felt? He said he felt cold.—Did he say anything more about feeling cold? He said he felt cold, and he put his feet on the fender and warmed himself a little; and he borrowed a book, and he said he would go home and read it in bed.—What time did he leave the Albion? I should think from 7 to 8; I cannot say precisely.—Had you at any time on that day any conversation with Mr. Cook on the subject of the money due to you, that conversation being in the presence of the prisoner? Yes; in the afternoon of the Friday, after dinner, we were talking about racing and money.—What passed? I asked Mr. Cook for money, and he gave me 5*l.* then.—What did you



ask him for? 50*l*. I asked him for; he gave me 5*l*. then; and when he took the note out of his case I said, "You can pay me the whole 50*l*;" he said, "No;" I said, "Cook, you can pay me all;" he said, "No, there is only 4*l*. 10*s*. due to you;" then he said he had given Mr. Palmer money, and he would pay me the remainder when he returned from Tattersall's on Monday, after the settling.—Did anything more occur about the money; did he give you any reason why he could not give you any more? He said he had given Mr. Palmer money.—On the night (the Saturday night) following, where did you sleep? I went to bed; he was not well, and I slept in his room, a double-bedded room.—What time did you retire to bed? It was late when we retired to bed; I should think 12 o'clock; there had been a concert in the house, which made it later; it was close to the bedroom.—During the night did anything happen; was he unwell? In the early part of the night he was unwell.—In what way unwell? He got some toast-and-water; he was washing his mouth, and he was sick; a night-chair was in the room, at a short distance before the fire, and I saw him there.

Lord CAMPBELL.—Did you see him use it? I did once, at least.

Mr. *Serjeant Shee*.—Did he say anything from which you could infer what the condition of his bowels was? what do you mean by saying he was sick; did he vomit? He tried to do so; I do not know whether he did or not; I was in bed, and I did not get out of bed.—Did anything particular occur during that night beyond what you have told us? About 2 o'clock I went to sleep; I had been out shooting; the noise had ceased in the inn, and I went off to sleep, and I slept until Mr. Palmer and Mr. Bamford came in in the morning to see him; and I lay still in the bed, and I heard a conversation between the doctors and Mr. Cook; the conversation was to this effect—"Well, Mr. Cook, how are you this morning?" Mr. Bamford said: he said, "I am rather better this morning; I slept from about 2 or 3 o'clock, after the confounded concert was gone, after the house had become quiet;" and he said, "I will send you some more medicine."

Lord CAMPBELL.—Mr. Bamford said that? Yes; I do not recollect any further conversation: I got up and left the house.

Mr. *Serjeant Shee*.—You know Mrs. Palmer, the mother of the prisoner? Yes.—In consequence of something that passed between you and her, did you, in the evening of Monday, go to the prisoner's house to see if he was there; if he had returned? Mrs. Palmer sent me a message to come up, she wanted to see me.—You went to Mrs. Palmer's? I did.—You saw her, I suppose? Yes.—In consequence of what passed between you and her did you go to look for the prisoner and see if he had arrived? I did.—What time was that? I should think about 9.—Could you find him at that hour? I could not.—Did you see him later that evening, and when for the first time after that was it; was it 9 o'clock? As near as I can recollect, 10 minutes past 10.—Where was he when you saw him? He came from the direction of Stafford in a car.—Did you go with him anywhere? I went with him: he said "Have you seen Mr. Cook to-day?" I said "No, I have been to Lichfield on business." He said "We had better just run up and see."—Was that before he went into his own house? Yes.—You say you saw him in a fly? Yes; he said "Before you go down to mother; it will be too late."—Did you go up to Mr. Cook's room together? We did.—Did you hear what passed between Mr. Cook and Mr. Palmer? Mr. Cook said to Mr. Palmer, "You are late, Doctor, to-night; I did not expect you to look in."—What else passed? He said, "I have taken the medicine, you being late; I have taken the medicine." He left and did not stay more than two or three minutes: I think he did ask me why I had not called in earlier, and I told him I had been at Lichfield on business.—Did he describe in any way the medicine he had taken? He said that Mr. Bamford had sent him some pills, and he had taken them, and Palmer was late; intimating that he should not have taken them if he had thought Palmer would have called in before.—Were any inquiries made of him by Palmer when he went into the room, of the nature that a medical man makes of his patient; did he feel his pulse?

Mr. *Attorney-General*.—What did he do, and what did he say?

Mr. *Serjeant Shee*.—What inquiries were made? I forget; I recollect Mr. Cook telling Mr. Palmer that he had been up to Ashmole and Saunders. Mr. Cook said, "I have been up, Doctor, to-day;" and Mr. Palmer said, "You ought not to have been up."—Is that all that passed? I do not recollect any other.—Did you leave the room alone, or with Palmer? We both went straight from there to his mother's.—How far is Mrs. Palmer's house from the Talbot Arms? About 400 or 500 yards.—How long were you there? I should think half-an-hour.—Did you leave Mrs. Palmer's house together? We did.—Where did you go to? To Mr. Palmer's house; I went in with him and said, "William——"

Mr. *Attorney-General*.—Never mind what you said.

Mr. *Serjeant Shee*.—Did you have any refreshment there? I asked him for some liquor.—You did not get it? No; he said there was none up out of the cellar.—You went away without it? Yes; it was cold and in November.—You left the house after that? I did.—Did you leave Palmer in the house? I left Mr. Palmer in his house, and went home.—Did you at any time order anything to be made for him at the Albion, for Mr. Cook? Not that night.—At any time? Yes.—When? The next day I invited Mr. Cook to dine with me.

Mr. *Attorney-General*.—On the Saturday? Yes; I was going back to the Friday, after I dined with Mr. Palmer: I asked Mr. Cook and Mr. Palmer to dine with me on the Saturday following.

Mr. *Serjeant Shee*.—I believe he did not dine with you? No, he did not; Mr. Cook sent me a message about between 12 and 1, that he was not well, and he thought that he should not leave his room, and he did not dine with me.—Did you order anything for him at the Albion? I got a boiled leg of mutton, and I sent some of the broth, and it went from the Albion, by a charwoman, in a jug.—It was taken away by a charwoman; do you remember her name? Rowley; I think Ann Rowley.—Did you at any time, shortly before Mr. Cook's death, borrow money for him from anybody? I borrowed 200*l.* and negotiated a loan from Pratt of 500*l.*—How long before his death was that; in May and August?—I have given the evidence to the Clerk for the prosecution; I have been subpoenaed on the part of the prosecution.

Mr. *Attorney-General*.—They are the same amounts. they are already in evidence.

Mr. *Serjeant Shee*.—The 200*l.* was in May, was it; or when was it; in May, 1855? I am almost positive it was, because I think it was at the Shrewsbury races.—Did you borrow any other sum of 200*l.* for Mr. Cook? I do not now recollect; I negotiated two loans that I know of; the 200*l.* and the 500*l.*, were negotiated through Mr. Pratt.—Did you in addition to that 200*l.*, within a month or two before his death, borrow money for him? did you borrow any for him of Mrs. Palmer? I borrowed 100*l.* from Mrs. Palmer and 100*l.* from Mr. William Palmer, to make up the 200*l.*; I do not recollect any other 200*l.*; I might have done.—Do you know of your own knowledge whether Palmer and Mr. Cook were jointly interested in any horses? I only know that they were interested in one; I told the solicitor for the prosecution the same.

Mr. *Attorney-General*.—Never mind what you told the solicitor for the prosecution. I know they were in one—Pyrrhine.

Mr. *Serjeant Shee*.—Do you know whether they were in the habit of betting for each other? Very frequently; when Palmer's horses were going to run, Mr. Cook would ask Palmer to allow him to put money on because he thought he would get better odds; and, when Mr. Cook's horses were going to run, Palmer would ask Mr. Cook.—Is that what you mean, that they put on for each other? Yes.—Do you know of that having been done once or frequently? Frequently.—Had you any opportunity of observing, shortly before Mr. Cook's death, and if so, when, what the state of his throat was? I had seen Mr. Palmer's assistant, Thirlby, dress it with caustic.—When? Four or five times.—How long before his death; was it before or after the Shrewsbury races? I am not quite positive whether before or after the Shrewsbury races I had seen him dress his throat; I cannot say exactly the times, I think it was chiefly before the races.—Have you any genuine signature of Mr. Cook's that you know to be his handwriting, having seen him write it? Yes [*some papers were handed to Mr. Serjeant Shee*]; they are two notes I received from him; instructions for the 500*l.*—There is one signed "J. P. Cook," and the other "J. Parsons Cook;" did you see that signed? Yes, I saw that signed.

Lord CAMPBELL.—How many are there? Two notes and a memorandum.

Mr. *Serjeant Shee*.—Do you know of any process having been served upon Mr. Cook shortly before his death, and were you present within a week or two, or three, were you ever present when a writ was served upon him? No, I was not present; he was served with a writ.—Did you know that from him; did he give you any instructions as to the writ shortly before his death to enter an appearance? I cannot say that.

[*The following letter was read.*]

"My dear Sir, I have been in a devil of a fix about the bill, but have at last settled it at a cost of an extra three guineas, for the damned discounter had issued a writ against me, and I am very much disgusted at it." (Signed) "John Parsons."

Lord CAMPBELL.—Did you destroy the envelope in which that letter was conveyed? I did; they were both addressed to me. [*Another letter was read dated 25th of June, 1855.*]

"Dear Jimmy—I should like to have the bill renewed for two months more; can it be done, let me know by return; 4, Victoria Street, Holborn Bridge. I have scratched



Polestar for the Northamptonshire and Wolverhampton Stakes; I shall be down on Friday and Saturday. In haste.—J. Parsons Cook. Fred tells me, Bolton or Arabas will win the Northumberland plate. (Signed) J. P. Cook."

Mr. *Serjeant Shee*.—Did you say that you saw that written, "J. P. Cook?" I did. [*The following paper was read.*] "Polestar, 3 yrs; Sirius, 2 yrs, by way of mortgage, to secure 500*l.* advanced on a bill of exchange, dated 29th August, 1855, payable three months after date." *Witness*.—Those were the instructions to prepare the mortgage.

Mr. BARON ALDERSON.—What is this, "Care of Mr. J. Fisher?" The answer to the letter was to be directed to Mr. Fisher's care for Mr. Cook.—Was it? I have no doubt it was; I have no copy.

Mr. *Serjeant Shee*.—Can you tell us the date? I have kept no copy.

Cross-examined by Mr. *Attorney-General*.

I want to identify you, if I can, as there are two Mr. Smiths: are you the gentleman that took Myatt to Stafford Gaol, and was there two hours? Yes, I was.—Have you known the Palmers long? Yes.—And very intimately? Yes.—Have you been employed a good deal as the attorney for Palmer? Mr. Palmer and his family.—Some members of his family; I asked you about Palmer; you have been employed as an attorney for Palmer? Yes.—A good deal, have you not? Yes, a good deal.—Did he apply to you in December, 1854, to attest a proposal on the life of his brother Walter for 13,000*l.* at the Solicitors' and General Office? Yes, I am told there is such a thing.—Did he apply to you to attest such a document? I cannot recollect; if I saw the document I could say whether it was my handwriting.—Cannot you recollect? It is so long since; if I saw any document with my name to it, I could recognise it instantly.—In January, 1855, will you swear that you did not do so? I am on my oath, and I swear, to the best of my belief, I do not recollect.—You will not swear you were not applied to for that purpose? No, nor that I was; if I could see the document I could recognise it immediately.—In January, 1855, were you applied to by Palmer to attest a proposal for 13,000*l.* to the Prince of Wales Office on his brother Walter's life? I do not recollect that either.—13,000*l.* was a large sum for Walter Palmer, was it not? Yes.—Walter Palmer was a man of nothing; he had not a shilling in the world? I do not know.—You do; you were concerned for the family? I know that Walter Palmer had money, because he lived independent, out of business.—Do not you know that he was then in great distress, and that he was at that time an uncertificated bankrupt? I do not know that.—Do you know that he was a bankrupt? He had been.—How long before? Six years before.—You say Walter Palmer had been a bankrupt six years before? At least that.—Had he ever done anything for himself since? No; he had been in no business.—Do not you know he was at that time living upon an allowance of 1*l.* per week from his mother? I cannot tell the allowance; I never heard what it was.—Do not you know that he was living upon an allowance from his mother? I know that he had an allowance; I do not know that he had anything from any other source; I think his brother William gave him money at different times.—You know all the family affairs; he had an allowance from his mother? No, I do not say that he had an allowance from his mother; I believe he had.—Where, in the course of 1854 or 1855, were you living; in Rugeley? In 1854 I think I resided partly with William Palmer; sometimes I was at his mother's.—Did you sleep at his mother's? Sometimes.—When you slept at the mother's, where did you sleep? In a room.—Was it in hers? No.—I ask you, upon your oath, whether you were not intimate with her; you know what I mean? I was not; no more intimate with her than the proper intimacy that ought to exist.—How often were you in the habit of sleeping at her house, having your own place of residence in Rugeley? Frequently I slept there; I cannot say the number of times, but frequently.—Two or three times a week? Yes, I should say I did.—Having your own place of abode in Rugeley? Yes.—Are you a single or a married man? Single.—How long did this habit and practice of sleeping two or three times a week at Mrs. Palmer's continue? Several years.—Had you your own lodgings at Rugeley at the time? Yes, my own chambers at Rugeley at the time; I had chambers in Rugeley; lodgings.—Your own bedroom, I suppose? Yes, I had a bedroom.—How far is your house from Mrs. Palmer's? I should say it is nearly a quarter of a mile.—Will you be so good as to explain how it happened, that having your own place of abode and your own bedroom, that for several years you slept two or three times a week in Mrs. Palmer's house? Sometimes some of the members of the family used to come and visit her; her sons.—Which sons were those? Joseph.—Where does he live? He has latterly resided at Liverpool.—Since when? I should think two years.—Where did he live before? At a place seven miles from Rugeley; and he went to a place called, I think, Worley, about eleven miles off.—What other son used to come and visit Mrs. Palmer? Walter.—Where did he live? Sometimes he lived at Stafford, and sometimes

he was at Liverpool.—Did he live latterly at Rugeley? Not long together; sometimes two or three weeks.—Where did he die, Walter Palmer? At Stafford, I believe; I was not present at the time; I understood so.—It was too far, I suppose, when you went to see the members of the family, to dine or drink tea, to return a quarter of a mile? I used to stop and have a glass or two of gin and water, and play at cards.

Lord CAMPBELL.—You went to the mother's to see them? Yes.

The *Attorney-General*.—But you did not sleep at the mother's to see them; how was it that you did not go home? I had no particular reason why I did not.—Why did you not? I used to have some gin and water and smoke, and if it was late they used to say, "You had better stop all night."—Did this go on three times a week for several years? Yes; but I used to stop there frequently when there was no one there, neither the mother, nor the sons, nor any one: they used to go to Buckstone for a month in the summer.—I will not trouble you about the time they were at Buckstone; you said you were there two or three times a week for several years; I am talking to you of the times when Mrs. Palmer was there; did you never sleep there except when some of the sons were there? Yes, I have.—When the sons were not there? Yes.—And when the mother was? Yes, certainly I have.—How often did that happen? I could not state the number of times; two or three times a week; sometimes I never went in for a week, or a month I have been away.—From Rugeley or from the house? From the house.—Then for two or three nights in the week you would go there when there was nobody there but the lady? Some nights.—What did you stop there for on those nights? There was the mother, and the daughter, and the servants.—You could have gone home on those nights? So I could, but I did not; I could not say that I did when I did not.—Having stated all that, do you mean to say, before this jury that there was nothing but a proper intimacy between you and Mrs. Palmer? I do.—Attend; I have called your attention to two of these proposals; were you called upon to attest another proposal in the Universal Office for 13,000*l.* upon the life of Walter Palmer? I do not recollect that I was, but if I could see any letter, or my name written to it, I could say.—Give me an answer first? I cannot say.—I ask you, as an attorney, this: do you mean to say that you cannot give me an answer whether you were applied to by William Palmer to attest a proposal for an insurance upon his brother's life more than once for 13,000*l.*? I do not recollect it, but if I could see any document or any letter to remind me of the circumstance I would not deny it.

Lord CAMPBELL.—Were you ever called upon to witness a proposal for an insurance upon Walter Palmer's life for 13,000*l.*? I do not recollect that.

Mr. *Attorney-General*.—Do you remember getting a 5*l.* note for attesting an assignment by Walter Palmer to his brother of such a policy? Most likely I might.—Did you? I do not recollect it; I might have received some money.—Did you attest such an assignment? If I had my books here—

Lord CAMPBELL.—Were you called upon to attest the assignment of a policy by Walter Palmer to his brother? I do not recollect it now.

Mr. *Attorney-General*.—I will endeavour to bring it to your recollection; say whether that is your signature (*a paper being handed to the witness*): do not you know your own signature? It is very similar to my signature.—Have you the slightest doubt in the world upon your oath that that is your signature? I have some little doubt about it.—Read that instrument and say whether upon your solemn oath that is not your signature? I have some doubt that it is not my handwriting.—Keep it in your hand; have you read through the document? No, I have not.—Then do so; was that prepared in your office or not? It was not.—Have you ever seen it before? It is very similar to my handwriting; it is very much like my handwriting.—I will have an answer upon your oath one way or the other, is that not your handwriting?

Lord CAMPBELL.—Do you believe that it is your handwriting? I think it is not my handwriting.

Mr. *Attorney-General*.—Will you swear that it is not? I dare venture to swear.—Will you? I will.—You will swear that it is not your handwriting? I will: "Rugeley" is not my handwriting.—I did not ask you that? I have my doubts that it is not my handwriting.—Do not you know your own handwriting when you see it? I do.

Lord CAMPBELL.—You have said, "I swear it is not my handwriting?" I think it is a very good imitation of my own handwriting.—You swear that it is not your own handwriting? I believe it is not.

Mr. BARON ALDERSON.—Did you ever make such an attestation?

Mr. *Attorney-General*.—Look at the signature of Walter Palmer, and say whether that is Walter Palmer's signature? I believe that to be Walter Palmer's signature.—Look at



the attestation, "Signed, sealed, and delivered;" is that in Mr. Pratt's handwriting?—Yes.—Did you not receive that from Mr. Pratt, upon your oath? Most likely I might.—Did you? I cannot swear that.—Will you swear you did not, or have you any doubt of the fact? I think it is very likely it might have been sent to Walter Palmer.—Did you not receive it from Mr. Pratt? I think Mr. Palmer gave it to me.—Did Palmer give it to you? I believe he did.—Did he? I do not recollect.—Did William Palmer give you that, or not? I have heard talk of this document, and I have asked to see it many times.—Did William Palmer give it to you? Most likely he did.—Did he? It was not signed at the time.—Did he give you that document? Yes, he did; I have no doubt he did.—If that be the document which he gave you, bearing Walter Palmer's signature and the writing of Mr. Pratt, which you say is his—upon your oath, is not that your attestation? I tell you, I believe it not to be so.—Did you receive that document from William Palmer? I believe I had it.—Upon your oath, is it not your handwriting? I believe it not to be.—Will you swear it is not? I believe it is not.—Look at it again? I remember it by the manner in which it is folded; I carried it out shooting, and I had a powder-flask.—Did you apply to the Midland Counties Insurance Office to be appointed their agent at Rugeley? I did.—When was that; in October, 1855? I should like to fetch all the documents and papers.—Did you apply to the Midland Counties Office to be appointed their agent in October, 1855? I did apply to them.—Did you send them a proposal for 10,000*l.* upon the life of Bates? I did.

Mr. *Serjeant Shee*.—That must be in writing? Yes, I recollect it very well.

Mr. *Attorney-General*.—Did William Palmer apply to you to send that proposal? Bates and Mr. Palmer came together with a prospectus to my office.

Lord CAMPBELL.—Did you know Bates at that time? Yes; they came together with a prospectus, and asked me whether I knew if there was any agent for that office in the town of Rugeley, and I told them I never heard of one; they asked me afterwards whether I would write and get an appointment, because they wanted to raise some money.—Did you send to the Midland Office and get appointed their agent in order that this insurance for 10,000*l.* might be effected on Bates's life? I wrote to the office.—Did you apply to the office in order that you might enable them to effect the insurance?

Mr. *Serjeant Shee*.—Was it in writing?

Mr. *Attorney-General*.—I ask whether you wrote to the office for the purpose of getting appointed their agent?—I did.

Mr. *Serjeant Shee*.—I think we ought to have the letter, and see what he did write.

Mr. *Attorney-General*.—Whatever you did, did you do it to get the insurance effected upon Bates's life for 10,000*l.*? I did; I will explain why that occurred; I never was an agent for any office.—Was Bates at that time the superintendent of William Palmer's stud and stables? He was.—At 1*l.* a-week? I cannot tell.—After this did you go to the widow of Walter Palmer to get her to give up her claim upon the policy of her husband? I did.—Where was she? At Liverpool.—Did you receive a document from Mr. Pratt to take to her? Mr. William Palmer gave me one; I think it must have been directed to him; I believe he gave it me.—Did the widow refuse? She said she should like her solicitor to see it, and I said, "By all means."—Did she not refuse to do it? She said she should like her solicitor to see it.—Did she not refuse to do it, and did you not bring back the document? Yes; I said, "I have no instructions to leave it; Mr. William Palmer wishes you to do it; it shall be returned to you, and you can take your solicitor's advice upon it."—Did she not tell you that she had understood it was for 1000*l.*?

Mr. *Serjeant Shee*.—Is this evidence against the prisoner?

Mr. *Attorney-General*.—It is against this man; it is most important as to his credit. Does your Lordship think that I cannot put the question and take my chance of an answer?

Lord CAMPBELL.—You may ask him whether he applied to her, and whether she refused?

Mr. BARON ALDERSON.—The reason why she refused is another thing.

Mr. *Attorney-General* (to the witness).—When you got that document, the signature to which you say you doubt whether it is in your handwriting or not, do not you know that Walter Palmer signed that document, and that the signature to it is his? I believe it is.—Do not you know that he got nothing for that assignment? I must give my explanation.

Lord CAMPBELL.—Answer the question; do not you know that Walter Palmer got nothing for that assignment; answer that question first, and then give the explanation afterwards.

Mr. Attorney-General.—Do not you know that he got nothing: that Walter Palmer signed that document without getting anything for it? I believe he ultimately had something.—Did he not get a paper for 200*l.*: a bill? He had a house furnished for him.—Do not you know that he got a bill for 200*l.*? No.—Do not you know that that bill was never paid? I cannot tell that.—Did not you know that from William Palmer? I do not recollect that.—What do you mean by a house furnished? A house towards the Castle; William did it.—Was not there a man put into that house, who kept possession of it from the time that this instrument was executed to the time the man died? I do not know that there was.—I will refresh your memory a little as to those proposals; look at that (*handing a paper to the witness*), and tell me whether that is your handwriting; were you not applied to by William Palmer in the month of December 1854 to attest a proposal upon his brother's life for 13,000*l.* in the Solicitors' and General Office?

Lord CAMPBELL.—At any time?

Mr. Attorney-General.—Look at your own signature there, and say whether that is your handwriting? That is my own signature.—Refresh your memory by means of that document; you said that if you had the document it would answer your purpose; were you not applied to by William Palmer in the month of December 1854 to attest a proposal upon his brother's life for 13,000*l.* in the Solicitors' and General Office? I do not recollect that.—Not with your own signature staring you in the face: you an attorney, and accustomed to business? I might have been.—Were you applied to by William Palmer? It is from memory I am speaking, and therefore I wish to be as correct as I can.—Speak from your memory, refreshed by that document; have you any doubt about it when you look at it? I say I have no doubt I might.

Mr. Serjeant Shee.—Let me look at it. (*The paper was handed to Mr. Serjeant Shee.*)

Witness.—The time is so long ago.

Mr. Serjeant Shee.—It is "applied to by William Palmer."

Mr. Attorney-General.—You have given him a strong hint.

Mr. Serjeant Shee.—No.

Mr. Attorney-General.—Look at that document [*the same being handed to the witness*], and see whether, in a month afterwards, you were applied to by William Palmer to attest another proposal for 13,000*l.*? Whether that is my signature also.—Refreshing your memory by the document you are said yourself to have signed, have you any doubt that in the month of January, 1855, you were called upon by William Palmer to attest another proposal upon his brother's life for 13,000*l.* in another office? If you will give me the paper——.—You have got it. This is my signature.—Look at it and see what it is? The body of the paper seems to have been filled up by Mr. Palmer; I might have signed in blank.—Did you sign it in blank; do you usually sign attesting proposals for policies of insurance in blank? I might.—Did you sign it in blank? I cannot swear that I did or did not.—Do you believe you did? I have some doubt whether I did not sign several of those in blank.—Whose handwriting is the body of it in? William Palmer's.—Do not trifle, sir, with the court and with the jury and me; answer the question like a straightforward man; upon your oath, looking at that document, do not you know that William Palmer applied to you to attest a proposal upon his brother's life for 13,000*l.* in January, in that office? He did apply to me for a proposal in some offices in January.—Were they for large sums of 13,000*l.* a-piece? One was for 13,000*l.*—Were you asked to attest another for a like sum in the Universal Office? I might be, for this simple reason, they might say that they had not insured in the others.—Those were pretty much about the same time; you did not wait till the answers came back? I do not recollect having any answers at all.—I ask you whether you were not applied to by William Palmer to attest a proposal to the Universal Office, after the execution of that assignment of the policy on Walter Palmer's life? I am not aware of it.—Will you swear that you were not? I think I might venture.—Will you venture? I should be very sorry, if I was not quite positive, to swear that.—When was it that Walter Palmer signed the document assigning the policy? I do not know when it bears date.—About when? I have never seen the assignment till I saw it this morning.—You said that William Palmer gave it you? It was not signed then.—Were you not present when it was signed? I do not recollect that I was.—Will you swear you were not? It is a very good imitation of my writing.—Will you swear that you were not present when Walter Palmer executed the deed of assignment; be cautious, you will hear of this another day; will you swear upon your oath that you were not present when Walter Palmer signed that document? I do not think I was; I am not sure; I say, "Jeremiah Smith" is very much like my handwriting; the lower part, "Solicitor, Rugeley," does not look like mine.—Upon your oath did you not attest, upon some occasion or other, a deed of assignment by Walter Palmer to his brother of his



interest in the policy for 13,000*l*.? I am not quite positive; as I said before, I believe the "Jeremiah Smith" is very much like my handwriting, but "Rugeley" is not.—I ask you the question upon your oath, whether at some time or other you did not attest the assignment by Walter Palmer to William Palmer of the policy for 13,000*l*.? I might; as I said before, it is a very good imitation.—It is a serious thing, a policy for 13,000*l*., a large sum, do you mean to say that you do not know whether you attested it or not? I might have attested it; I really do not recollect it.—Did not you get a cheque for 5*l*. for doing it; look at that and say whether you saw William Palmer write that on the counterfoil of his cheque-book [*a paper being handed to the witness*]; is that his handwriting? That is William Palmer's handwriting.—Did not you see him write it on the counterfoil of his cheque-book? This is William Palmer's handwriting.—Did you not see him write it? I might have.—Did not you? I cannot say positively that I did.—Do not you know that you got a 5*l*. cheque for attesting the execution of that deed of assignment by Walter Palmer to his brother?

Mr. *Serjeant Shee*.—How can my learned friend talk of cheques, without producing them?

Mr. *Attorney-General*.—Did you get a piece of paper and go to the bank and get 5*l*. on it?

Mr. *Serjeant Shee*.—I do not think that will do.

Mr. *Attorney-General*.—Will it not? Then we will argue it.

Mr. *Serjeant Shee*.—I submit that it cannot be done; that is getting to contents.

Mr. *Attorney-General*.—Did you get a piece of paper and take that paper to the bank, and, having handed it over the counter of the bank to some clerk, did you get 5*l*.?

Mr. *Serjeant Shee*.—Do not answer the question.

Lord CAMPBELL.—That is a proper question.

I might have got it from the bank; but not for the purpose of signing that document.—Looking at that piece of paper, did you not get 5*l*. for attesting the signature of the brother to the deed of assignment? I say that I might have got 5*l*. from the bank, but not for attesting that document.—I ask you, whether you did not get 5*l*. for attesting the signature of Walter Palmer? I am not positive that I got it for that.—That piece of paper seems to burn your fingers? No; upon my honour it does not; I am come here to speak the truth as far as my memory serves me, for or against.—A word about that 200*l*. transaction, as to which you say you got 200*l*. for Mr. Cook, 100*l*. from Mrs. Palmer, your friend, and the other, William Palmer? Yes; and he gave 10*l*. for the accommodation.—To whom? To William Palmer.—Do not you know that he gave William Palmer his acceptance upon that occasion to enable him to make up the sum of 500*l*.? I know that William Palmer was the drawer of the bill, and Mr. Cook was the acceptor; he received 200*l*. minus 10*l*. in cash.—Do not you know that the 200*l*. bill was given for the purpose of enabling William Palmer to make up the sum of 500*l*. payable to Mr. Sargent? I believe it was not, for Mr. Cook had absolute cash, the 200*l*. I speak of.—Was it not to enable him to go to London to take up an acceptance? He did not; he went to Shrewsbury races with it; Mr. Cook did not.—What races are you speaking of? At the time the money was lent by Mrs. Palmer and William.—What time was that? I think in May.—Did Shrewsbury races take place in May? I believe so; the early part of May.—It was upon a bill of 200*l*. that went to Mr. Pratt? I do not know what became of the bill; Mr. Cook gave him a bill for 200*l*., and he had the absolute cash; I brought 100*l*. from William Palmer's mother, a hundred pound note, and he had that which Mr. Palmer gave.—Whom was the bill drawn in favour of? William Palmer.—What became of that bill? That is the bill that is referred to in one of these notes; it was cashed.—What became of it? It was charged two guineas.—What became of it? I do not know.—He writes to you about the money-lender having issued a writ; who was the money-lender? Mr. Pratt, I believe.—Do not you know that? No; when the bill was given I handed it over to Mr. Palmer; what he did with it I do not know.—Did Mr. Palmer discount it with Mr. Pratt? I cannot tell that; I have never seen the bill since.—Was not it at the very time that William Palmer was short of money? No, he was not short of money, because he lent Mr. Cook 100*l*.—Do not you know that he wanted some money to make up the sum of 500*l*. payable to Mr. Sargent? I do not.—You mean to represent that at that time he had money, and was enabled to lend Mr. Cook money instead of borrowing it himself? He lent Mr. Cook 100*l*.; he lent him 90*l*., he took 10*l*. for the accommodation.—How often had you been to Mr. Palmer when he was in Stafford gaol?—I went once, but never spoke to him on the subject of his trial; during the time that I was there an officer was in the room.—Were you at the inquest? I was; but I was not to be examined, excepting there was something named

about the assignment; I said, if it was produced, I would say whether it was my handwriting.—That was another inquest; not this, I think; I am talking about the inquest upon the body of Mr. Cook? I was not present, I was staying in the town.—Who saw you when you went in on Monday night to Mr. Cook's room at the Talbot Arms? I cannot say whether it was Miss Bond, or whether it was the chambermaid or the waiter; they gave us a candle, and we went up stairs; I cannot say whether I took the candle or Mr. Palmer.—You named the waiter? Yes, or Miss Bond, or the chambermaid.—One of those three saw you go up that evening? I do not know that they saw us; we asked for a candle.—Who will you undertake to say saw you that night go into the Talbot Arms, and go up to Mr. Cook's room? I cannot tell you, Mr. Palmer was in a hurry to get down to his mother's.—Who will you undertake to say saw you go into the hotel that night? I cannot say which of the three.—Did either one of those three? I believe it was one.—Will you swear that either one of those three saw you, and gave you the candle? I believe one of the servants gave us a candle; I believe it to have been one of those three.—Who drove the fly from Stafford? I did not notice the man; the moment that Mr. Palmer got it, I said to him——.—Never mind that; do you know who drove the fly from Stafford? I did not notice the man; it was cold, and I did not notice who the driver of it was.

Re-examined by Mr. *Serjeant Shee*.

How long have you known Mrs. Palmer? Twenty years.—Did you know her before her husband's death? Yes, I did; I was not acquainted with her then; it is many years since.—How long is it since her husband died? Upwards of 20 years.—What age is Mrs. Palmer? I should think about 60, by her sons; she has grandchildren, and I should say she is 60.—Is William her eldest son? He is not.—Who is? Joseph.—Is that the clergyman? He is a timber merchant.—Where does he live? In Liverpool.—About what age is he? I should think Joseph is about 45 or 46.—Who is the next son? I think George.—Is that this gentleman? Yes, I think it is.—Did he live at Rugeley? He did.—Was he when there frequently at his mother's? Frequently.—Was he acquainted with you? Yes.—There is a son a clergyman of the Church of England, is not there? Yes.—Where does he live? At Coton-in-Elmes.—How far is that from Rugeley? Sixteen miles.—Was he frequently at his mother's? Yes, till he became a curate; when he came from college he stayed at her house.—How long is it since he ceased to reside at his mother's house? Two years.—Up to that time he lived at his mother's? Except when he was at college.—Have they a sister? They have.—Does she live with her mother? She does.—How many servants are there? Three.—Are they acquainted with the people in the locality? are they visited much, or do they go out much in the neighbourhood? Not very much; being a large family themselves, they do not visit much.—Is it a large house? Yes, a good-sized house.—How many bedrooms are there? there are plenty of spare rooms, are there not? I think there are five bedrooms.—Do you mean besides servants' rooms? There are six altogether; there is a room for the man, and the maids occupy one; there are four rooms for the family, and two for the servants.—What room did you sleep in? I slept in one nearest the church on the opposite side.—There is a church close there? The old church, and the new church is facing the house; the old church is at the side.—Is there any pretence for saying that you have been charged with any improper intimacy with Mrs. Palmer? I should hope not.—Is there any pretence for saying anything of the kind? There ought not to be.—Is there or is there not any pretence for saying that there is any truth in the statement or suggestion that you have been improperly intimate at any time with Mrs. Palmer? They might have said so, but they had no reason for saying so.—Is there any truth in that statement? I should say not, and I mean not.—When did you first hear of the intention of anybody to insure Walter Palmer's life? when did it first come to your knowledge? I do not recollect its coming to my knowledge till the inquest was held; there was some talk then.

Lord CAMPBELL.—When what inquest was held? On Mrs. Palmer.

(*The Jury retired, and after a short time returned into Court.*)

WILLIAM JOSEPH SAUNDERS was called, but did not appear.

Lord CAMPBELL.—Let him be called on his subpoena.

William Joseph Saunders was called three times by Mr. *Harker* to appear on his subpoena.

Mr. *Serjeant Shee*.—That is the only witness we have to call.

Mr. *Attorney-General*.—I should be deeply grieved if it could possibly be thought that the absence of a witness could in any way prejudice the prisoner's case. If my learned friend makes any application on that ground, it shall not be resisted by me.



Lord CAMPBELL.—There does not appear to be the slightest chance; he has been called repeatedly.

Mr. *Serjeant Shee*.—I have an application to make to the Court. I call for a letter of the 4th of January, 1855.

Mr. *James*.—What letter?

Mr. *Serjeant Shee*.—A letter from Cook to Palmer, of the 4th of January, 1855.

Mr. BARON ALDERSON.—That has been asked for before.

Mr. *Serjeant Shee*.—Yes, my Lord, I asked for it before. I propose to read this letter, my Lord.

The letter was handed in and read as follows:—"Lutterworth, 4th January, 1855. My dear Sir,—I sent up to London on Tuesday to back St. Hubert for 50*l.*, and my commissioner has returned 10 to 1. I have therefore backed 250*l.* to 25*l.* against him to our gain. There is a small balance of 18*l.* due to you which I forgot to give you the other day. Tell Will to debit me with it on account of your share of training Pyrrhine. I will also write to him to do so, as there will be a balance due from him to me. Yours faithfully,

"J. PARSONS COOK.

"W. Palmer, Esq."

Mr. *Serjeant Shee*.—I have to submit to your Lordships that I am entitled to a reply upon some evidence given to-day.

Lord CAMPBELL.—We will hear you upon that point.

Mr. *Serjeant Shee*.—I submit to your Lordship, that the course which my learned friend the Attorney-General took just now in getting out the substance of a cheque, and the contents of an assignment of a policy on Walter Palmer's life, which he might just as well have read, and his examining the witness as regards proposals to various offices for insurances on his life, entitle me to a reply on those points.

Lord CAMPBELL.—We are all of opinion that you have no right to a reply. That is the judgment of the Court.

Mr. *Attorney-General*.—I wish to call back, if your Lordships will permit me, Dr. Richardson. We were taken yesterday entirely by surprise; we heard, for the first time, of angina pectoris, and he adverted to several books as authorities upon the subject. I had not those books which I have now, and I am desirous, which I could not do yesterday, of putting further questions to that gentleman.

Lord CAMPBELL.—Do you mean simply to put a question or two as to the books he referred to?

Mr. *Attorney-General*.—Yes, my Lord; we were taken yesterday entirely by surprise.

Mr. *Serjeant Shee*.—We might make the same application as to your witnesses. How were we to know what Dr. Todd and Sir Benjamin Brodie would say?

Mr. *Attorney-General*.—You knew from me.

Lord CAMPBELL.—It cannot be done without the consent of the Court, and we think it is better that the witness should not be recalled.

### THE REPLY.

Mr. *Attorney-General*.—May it please your Lordships.—Gentlemen of the Jury,—The case for the prosecution and the case for the defence are now before you; and it becomes my duty to address to you such observations upon the whole of the materials, upon which your judgment is to be founded, as suggest themselves to my mind. I have a solemn and an important duty to perform. I wish that I could have answered the appeal made to me the other day by my learned friend, Mr. Serjeant Shee, and have felt that I was satisfied with the case that he submitted to you on the part of the defence. But, standing here as the instrument of public justice, I feel that I should be wanting in the duty that I have to perform if I did not ask at your hands for a verdict of guilty against the accused. I approach the consideration of the case in what, I hope, I may term a spirit of fairness, of moderation, and of truth. My business is to convince you, if I can, by facts and legitimate argument, of the prisoner's guilt. If I cannot establish it to your satisfaction, no man will rejoice more than I shall in the verdict that you will pronounce of Not Guilty.

Gentlemen, in the vast mass of materials which the evidence in this case has brought before you, two main questions present themselves prominently for your consideration—Did the deceased man, into whose death we are now inquiring, die a natural death; or was he taken off by the foul means of poison? And if the latter proposition be sanctioned

by your approbation, then comes the important—if possible the still more important—question of whether the prisoner at the bar was the author of his death? I will proceed at once without further observation to the discussion of those questions, taking them in the order in which I have proposed them. Did John Parsons Cook die by poison? I assert and maintain the affirmative of that proposition. The case which is submitted to you on behalf of the Crown is this—That having been first practised upon by antimony, he was at last killed by strychnine; and the proposition which I have to establish is that the death of the deceased was occasioned by that poison; the first question, with a view of seeing what is the conclusion at which we shall arrive upon that point is, what was the immediate and proximate cause of his death? The witnesses for the prosecution have told you one and all that he died in their judgment of tetanus, which signifies a spasmodic convulsive action of the muscles of the body. Can there be any doubt that that opinion is correct? Of course it does not follow that because he died from tetanus it must be tetanus from strychnia; that is a matter for after consideration; but inasmuch as strychnia produces death by tetanus, we must see in the first place whether it admits of any doubt that he did die of tetanus. I have listened with attention to every form in which that disease has been brought under your consideration, whether by the positive evidence of witnesses, or by reference to the works of scientific authors; and I assert deliberately that no case either of a human subject, or of any animal, has been brought under your notice in which the symptoms of tetanus have been so marked as they are in this case; from the moment the paroxysm came on, of which this unhappy man died, the symptoms were of the most marked, and of the most striking character. Every muscle, says the medical man, who was present at the time, of his body was convulsed; he expressed the most intense dread of suffocation; he entreated them to lift him up lest he should be suffocated, and when they stooped to raise him every muscle of his body, from the crown of his head to the sole of his foot, was so stiffened that the flexibility of the trunk and limbs was gone, so that they could have raised him as you would raise a dead corpse, or a lifeless log. It was found to be impossible, and the man prayed to be turned over in order to escape from the sense of the imminent risk of suffocation; they turned him over, and in the midst of doing so a fearful paroxysm, one mighty spasm, seems to have seized upon his heart, to have pressed from it the life-blood, so that in a moment vitality ebbed, and the man was dead before them; when dead, the body exhibited the most marked symptoms of this most fearful disease; it was bowed from head to foot, and it would have rested, if it had been so placed, says the witness, upon the back of the head, and the heels; the hands were clenched with a grasp, which it required power to overcome, and the feet were curved till they assumed the appearance of a natural malformation. It is impossible to conceive symptoms more striking of tetanus; nor is it possible to conceive evidence more dishonest than that which has attempted to represent it as any other than as a case of tetanus.

Well, then, if it was a case of tetanus, as to which I will not waste your time with any further observations, was it a case of tetanus from strychnia? I will confine myself for the moment to the exhibition of the symptoms as they have been described by the witnesses. Tetanus may proceed from natural causes as well as from the administration of poison. While the symptoms last they are the same, but in the course of the symptoms before the disease reaches its consummation in the death of the patient the distinction between the two is marked by characteristics which will enable any one conversant with the subject to distinguish between the two. We have been told upon the highest authority that the distinctions are these:—Natural tetanus is a disease not of minutes, not even of hours, but of days. It takes, say several of the witnesses, from three to four days, and will extend to a period of even three weeks, before the patient is destroyed. Upon that point we have the most abundant and conclusive evidence. We have the evidence of gentlemen who have made it their especial study, like Mr. Curling and Dr. Todd. We have the evidence of one of the most eminent practitioners who ever adorned that profession or any other, I mean Sir Benjamin Brodie. We have the evidence of Mr. Gordon, who for twenty-eight years was surgeon to the Bristol Hospital: we have the evidence of Mr. Daniel, who saw twenty-five or thirty of these cases of natural tetanus; we have the evidence of a gentleman who practised for twenty-five years in India, where, owing to the particular character of the climate, those cases are infinitely more frequent than they present themselves here, and he gives exactly the same description of the course of symptoms through which this disease runs. Idiopathic or traumatic tetanus are therefore, upon the evidence, out of the question; but traumatic tetanus is out of the question for a very different reason. Traumatic tetanus is tetanus brought on by lesion of some part of the body. What is there in this particular case to show that there was lesion in any part of the body at all? We have had the most singular representations upon the subject of Mr. Cook's health made by the witnesses



who have come here on behalf of the defence, and who appear to have come into that box with the determination as far as possible to misconceive every fact which they could pervert to their purpose. We call before you for the purpose of showing what Cook's health was an eminent physician who had had him under his care. It seems that in the spring of 1855 Cook, having found certain small spots manifest themselves in one or two parts of his body, and having something of ulcers under his tongue, or in his throat, conceived that he was labouring under symptoms of a particular character, and he addressed himself to Dr. Savage, who found the course of medicine he had been pursuing, founded upon this belief, was, in his judgment, an erroneous one; he altered it altogether; he enjoined the discontinuance of mercury, and was obeyed in his injunction; and the result was that the deceased, who was suffering, not from disease, but from the treatment, rapidly grew well. Nevertheless, lest there should be the possibility of mistake, Dr. Savage made him come to him from time to time that he might see that things were going on right, and he sees, long before the summer had advanced, the very unsatisfactory symptoms had entirely gone, and that there was nothing about him except that affection of the throat to which sometimes people are subject, some abnormal condition of one of the tonsils, but in other respects the man was better than he had been, and might be said to be perfectly convalescent. On the very day he left London to go into the country about a fortnight before the races, his step-father accompanied him to the station and congratulated him upon his healthy and vigorous appearance, and the young man, in the consciousness of the possession of health, struck his breast, and said he was well and he felt so.

Well, he goes to Shrewsbury, and shortly afterwards came those matters to which I shall have to call your attention presently more particularly that ended in his death. I want to know upon what part of this evidence there is the slightest pretence for saying that this man had any affection about him from which traumatic tetanus could ensue. It is said at some former time he had exhibited his throat to some of the witnesses who were called, and that he had applied to Palmer for some mercurial wash to apply to his throat, or some of those ulcers. The precise period of it is not fixed, but it is perfectly clear that though he had at one time adopted that course, under the recommendation of Dr. Savage, he had got rid of it; and there is not the slightest pretence for saying that this man was suffering under a syphilitic affection of any kind; nevertheless that fact was distinctly and unequivocally negatived by a man of the highest authority—a medical gentleman of eminence—under whose treatment the man got so rapidly well. That fact is assumed by the witnesses for the defence as the ground upon which to suggest that there was traumatic tetanus in this case. It is a pretence, gentlemen, which has not the shadow of a foundation, and which I should be shrinking from my duty if I did not denounce as altogether unworthy of your attention. There was nothing about the man, according to the statement of all those who were competent to give you an opinion, which would warrant for a single moment the supposition that there was anything in any part of the man's body which could justify the notion of traumatic tetanus; even if there were, the character which his symptoms assumed when the tetanus set in is utterly incompatible, according to the evidence of all the witnesses, with a case of traumatic tetanus. One or two cases of traumatic tetanus have been adduced in evidence on the part of the defence. We had the case of a man who was brought to the London Hospital in the evening, and who died the same night. Yes; but what were the facts of that case? The facts are, that he had had before he was brought in repeated paroxysms; that he felt premonitory symptoms early in the morning; he was suffering from ulcers of a most aggravated description; and that the symptoms had run their course rapidly it is true, but still the disease was not a matter of minutes, but a matter of hours. There is no other case that I am aware of. There is the case of the boy who was brought in, if it be necessary to allude to it. But there again we have the disease existing for some time before it ends in death. It is a matter there again of hours, and not of minutes, and not a single paroxysm like this was. But it is then suggested that this may have been a case of idiopathic tetanus. Idiopathic tetanus proceeding from what? They say that Mr. Cook was a man of delicate constitution—subject to excitement—that he had something the matter with his chest—that, in addition to having something the matter with his chest, he had this diseased condition of the throat—and, putting all these things together, they say that the man, if he took cold, might get idiopathic tetanus. We are launched into a sea of speculation and of possibilities. Mr. Nunneley, who comes forward here for the purpose of inducing you to believe that there was anything like idiopathic tetanus, goes through a bead-roll of the supposed infirmities of Mr. Cook and talks about his excitability—talks about his delicacy of chest—talks about the affection of his throat—goes through those various heads, and says that those things may have predisposed him to idiopathic tetanus if he took cold. What evidence is there that he ever did take cold?

Not the slightest in the world. The man, from the beginning to the end of the symptoms, was never treated for cold by anybody, or ever complained that he had taken cold. I cannot help saying to me it seems that it is a scandal upon a learned, a distinguished, and a liberal profession, that men should come forward and put forward such speculations as these, perverting the facts, and drawing from them sophistical and unwarranted conclusions, with the view of deceiving a jury. I have the greatest respect for science—no man can have more; but I cannot repress my indignation and abhorrence when I see it thus perverted and prostituted to the purposes of a particular cause in a court of justice. Do not talk to me about excitement, as Mr. Nunneley did the other day, being the occasion of idiopathic tetanus. You remember the sorts of excitement he spoke of. They are unworthy of your notice, and they were topics discreditable to be put forward by a witness as worthy of the attention of sensible men constituting such a tribunal as you are.

But suppose for a single moment that excitement of this kind could produce any such effect or influence, where is the excitement manifested by Cook as leading to this supposed disease? They say that the man, when his mare won at Shrewsbury, was full of excitement; and well he might be: his fortunes depended upon the result of that race; and I do not deny, for a few minutes he was overpowered by the emotions that the joy of the moment excited in his breast. But that subsided, and we have no further trace of it from that time to the moment of his death. The man passed the rest of the day with his friends in ordinary conversation, and in ordinary enjoyment. No trace of emotion was left about him. He is taken ill; he goes to Rugeley; he is taken ill there again; is there the slightest symptom of excitement about the man, or, on the other hand, of depression? Not the slightest in the world. When he is ill, like most other people, he is low; but as soon as he gets a little better he is cheerful and happy; he admits his friends, and he converses with them the very night of his death; so far from any excitement, his conversation is full of cheerfulness and mirth—he is laughing and happy, little thinking, poor wretch, of the fate that was impending over him. He is cheerful and happy, talking of the future, not in the language of excitement on the one hand, or of depression on the other. What pretence is there for this idle story of excitement and depression? Not the slightest shadow of foundation in the world. But if there were—if those things were capable of producing that form of tetanus which goes by the term “idiopathic,” the character of the disease is so essentially different that it is impossible to mistake the two. What are the cases which they attempt to set up against it? They have brought you the case of Mary Watson, which a gentleman came all the way from Scotland to tell us about. The girl had been ill all day. She was taken with cramps in the night, probably originating in the stomach, extending to all other parts of her body. She gets well in a very short time, and goes about her business. Is that case to be compared for a single instant to the death agony of that wretched man, and the paroxysm that destroyed him? Those are the sort of cases with which they attempt to meet such symptoms as those which are spoken to by the witnesses as accompanying the decease of Mr. Cook.

Gentlemen, I venture, upon the evidence, to assert boldly that the cases of idiopathic tetanus and traumatic, or what I may call natural tetanus, are marked by clear and distinct characteristics, distinguishing them from the tetanus produced by strychnia; and I say that the tetanus which accompanied Mr. Cook's death is not referable to either of those forms of tetanus. You have upon that point the evidence of witnesses of the highest competency, and of the most unquestionable integrity; and upon their evidence I am quite satisfied you can come to no other conclusion but that this was not a case either of idiopathic or of traumatic tetanus. But then they say it may have been something else; and various attempts have been made to set up different causes as capable of producing this tetanic disease. And, first, we have the theory of general convulsions; and Mr. Nunneley, having gone through the bead-roll of the supposed infirmities of Mr. Cook, says, “Oh, this may have been a case of general convulsions; I have known general convulsions to assume a tetanic character.” Well, but pause a moment, Mr. Nunneley, have you ever seen one single case in which death arising from general convulsions, accompanied with tetanic symptoms, has not ended in the unconsciousness of the patient before death? “No, I never knew such a case—not one. But in some book or other, I am told that there is some such case reported;” and he cites, not for that purpose, I think, but he cites, with reference to general convulsions being sometimes accompanied with tetanic symptoms, and ending in death, a very eminent author of the present day, I mean Dr. Copland. Dr. Copland is living, and Dr. Copland might have been called. The author of the book, I apprehend, would stand before you as a higher authority than a man who merely quotes the book as the foundation of his knowledge. Dr. Copland might have been called. Dr. Copland was not called, notwithstanding the challenge which I threw out. Why? Because it is infinitely better in such a case to call together



from the east and from the west practitioners of more or less obscurity, instead of bringing to bear upon the subject the light of science which is treasured up in the breasts of the eminent practitioners with whom this great city abounds. Dr. Copland is not called; but I say, as regards general convulsions, the distinction is plain, that where they destroy the patient they destroy consciousness; and here it is unquestionably the fact, that to the last moment of Mr. Cook's existence, until his bursted heart ceased to beat, his consciousness remained.

But then comes another supposed condition from which death in this form may be said to have resulted, and that is the case which was intended to be set up by a very eminent practitioner, I mean Mr. Partridge. It seems that in the post-mortem examination of Mr. Cook, when the spinal marrow was investigated, certain granules were found, and this is seized upon. It is said, "Oh, those granules may have occasioned tetanic convulsions similar to those which were found in Mr. Cook's case," and a very eminent gentleman is called to give his opinion upon that subject. I admit him to be not only a man of great eminence, but a man of the highest honour and the most perfect veracity. I allude to Mr. Partridge. I must distinguish between him and other of my learned friend's witnesses. Some there were who would not be induced, for any consideration in the world, to swerve from what they believed to be the truth. Mr. Partridge is called here to prove that this was a case of what he called arachnitis,—inflammation of the arachnea in consequence of the granules, or some other abnormal condition. I asked him the symptoms which he would find in such a case. I called his attention to what evidently had not been done before, namely, the symptoms of Mr. Cook's case: and I asked him, in simple, straightforward terms whether, looking at those symptoms, he would pledge his opinion, in the face of the medical world and the Court, that this was a case of arachnitis, and he candidly admitted that he would not assert that this was in his opinion a case of arachnitis.

Then we have the gentleman who comes all the way from Scotland to inform us, as the next proposition, that Mr. Cook's was a case of epileptic convulsions with tetanic complications. Now, I asked him this question: "Did you ever know a case of epilepsy, with or without tetanic convulsions, in which consciousness was not destroyed before the patient died?" He said, "No; I cannot say that I ever did, but I have read in some book that such a case has occurred."—"Is there anything to make you think that this was epilepsy?" "Well, it may have been epilepsy, because I do not know what else to ascribe it to; but I must admit that epilepsy is characterised generally by a loss of consciousness." Well, then, what difference would tetanic complication make? That he is unable to explain. I remind you of that species of evidence in which the witnesses resorted to the most speculative reasoning, and put forward the barest possibilities without the shadow of a foundation. But this I undertake to assert, and I refer to the evidence to prove it, that there is not a single case either to which they have spoken as coming within their own experience, or of which they have spoken as the result of reading, in which there were the formidable and decisive symptoms of marked tetanus which existed in this case of Mr. Cook.

Having gone through this evidence, I think we have four sets of diseases,—general convulsions, arachnitis, epilepsy proper, and epilepsy with tetanic complication. I expected that we had pretty well exhausted the whole of those scientific theories, but we were destined to have another that assumed the formidable name of angina pectoris. I do not know whether it struck you as remarkable that when my learned friend opened this case for the defence, he never ventured to assert what would be the nature of the disease to which he would endeavour to refer the symptoms of Mr. Cook; and it must, I think, have struck you as a very remarkable thing that no less than four or five distinct and separate theories are set up by the witnesses who appear on the part of the defence,—general convulsions, arachnitis, epilepsy with tetanic complication, and, lastly, angina pectoris. My learned friend had, however, this advantage in not stating to you what was the theory that his medical witnesses would endeavour to set up, because, one after another, I must admit they took me entirely by surprise. The gentleman who was called yesterday at the last moment, and who talked of angina pectoris, would not have escaped quite so easily if I had had the books to which he referred under my hand, and had been able to expose, as I would have done, the ignorance or the presumption of the assertion which he dared to make. I say ignorance or presumption, or, what is worse, an intention to deceive. I assert it in the face of the whole medical profession, and I am satisfied I shall have their verdict in my favour.

But it is a fact which I am entitled to dwell upon, that all those medical witnesses, one and all, differed in the view which they take in this case. There is this remarkable coincidence between the views of some of them and the views of the witnesses whom I called: Mr. Partridge and Dr. Robinson, two of the most respectable witnesses they

called, aye, and Dr. Letheby himself, strongly as he was biassed in favour of the defence, being three of the most eminent of the witnesses whom my learned friend brought forward, agreed with the statement made by Sir Benjamin Brodie, and supported by other witnesses whom I brought before you, that in the whole of their experience, that in the whole range of their learning and information, they knew of no known disease to which the symptoms of Mr. Cook could possibly be referred. When such men as those tell us such a fact, I cannot but submit to you that it is impossible to exaggerate its importance. But, then, if it be the fact that no known disease can account for such symptoms as those of Mr. Cook, and that they are referable to poison alone, can any one entertain a doubt that that poison was the poison of strychnia? The symptoms, at all events from the time the paroxysm set in, are precisely the same. Distinctions are sought to be made by the subtlety of the witnesses for the defence between some of the antecedent symptoms and some of the appearances after death; but I think I shall show you beyond all possibility of contradiction, that those distinctions are imaginary, and have no foundation in fact. I think I may take this, however, along with me as I go on, that the witnesses called for the defence admit this fact, that from the time the paroxysm set in, of which Mr. Cook died, until the time of the death, the symptoms are precisely similar to the symptoms of tetanus from strychnia. But then they say, and this is worthy of your most attentive consideration, that there are points of difference which have led them to the conclusion, or some of them at all events, that those symptoms could not have resulted from strychnia. Let us see what they are. In the first place, they showed that the period which elapsed between the supposed administration of the poison, and the first appearance of the symptoms, was longer than they have ever observed in animals upon which they have experimented. Now, the first observation which arises there is this, that there is a known difference between animal and human life, in the power with which specific things act upon its organization; and it may well be that the poison administered to a rabbit will produce its effect in a given time; it by no means follows that it will produce effect in the same time upon an animal of a different description; and still less does it follow that it will exercise its baneful influence in the same time upon a human subject. The whole of the evidence on both sides tends to establish this fact, that not only in individuals of different species, but between individuals of the same species, the same poison and the same dose will produce effects different in degree, different in duration, and different in power. But, again, it is perfectly notorious that the rapidity with which the poison begins to work depends materially upon the mode of its administration. If it is administered as a fluid, it acts with great rapidity; if it is administered in a solid state, its effects come on more slowly; and if it is administered in some indurated substance, it will act with still greater tardiness; and if that substance is difficult of solution, then the period will be still longer before the substance having become dissolved, is acted upon by the absorbents, and taken up into the system.

Now, what was the period at which this poison began to act after its administration, assuming it to have been poison for the purpose of argument? It seems from Mr. Jones's statement, that the prisoner came and administered these pills; he saw him administer the pills somewhere about 11 o'clock, so that they were not administered upon his first arrival. The patient, as though with an instinctive sense of the peril which impended, strenuously resisted the attempt to make him take them, and no doubt those remonstrances and the endeavour to overcome them occupied some period of time. The pills at last were taken, and, assuming them to have contained strychnia (which I only do now for the purpose of argument) how soon did they begin to operate? Mr. Jones says he went down after this and had his supper, and came back about 12 o'clock. Upon his return to the room, after a word or two of conversation with Cook, he proceeded to undress and go to bed; and he had not been in bed 10 minutes before the warning came that another of these paroxysms was about to take place. The maid-servants put it still earlier: they say that about 10 minutes before 12 the first alarm was given, which would make the interval little more than three-quarters of an hour from the taking of the pills and the first manifestation of the symptoms. When, therefore, my learned friend's witnesses tell us that it took an hour and a half or two hours, we have here another of those exaggerated determinations to see the facts only in the way that will make most for the view which they think proper to put forward. I say it certainly was not more than an hour, and I find in some of the experiments that have been made, that the duration of time before which the poison began to work, has been little less, if any less, than an hour. Mr. Morley, who is as much entitled to your attention as Mr. Nunneley—indeed, when I contrast the way in which the two men gave their evidence, I am paying him but a poor compliment when I say that he is as worthy of attention as Mr. Nunneley—Mr. Morley says in his evidence that 5 or 6 minutes, or something less than an hour, is the period which he



observed the poison required to produce its effect upon animals, and in every one of the cases which we have got it will be seen that more than an hour was necessary. In the case of the girl at Glasgow, though I see the medical gentleman speaks of 20 minutes when he was called in, he could have only had that information from the statement of some of the people about. I see the nurse says it was three-quarters of an hour before the pills began to work upon the girl. There may have been some cause for the pills not beginning to take effect within a certain time after their administration; it would be very easy to mix them with some substance that should render them difficult of solution, nay, which might retard their action. I cannot for a single moment bring myself to believe, if in all other respects you are perfectly satisfied that the symptoms, the consequences, and effects were analogous and similar to those produced by strychnia, it is not because those pills may have taken a quarter-of-an-hour or a longer time to manifest their working, it is not on that account you will hesitate to come to the conclusion that strychnia was administered in this case; but then they say Yes, but the premonitory symptoms were wanting here. They tell us in animals they observed that the animal manifests first some uneasiness, shrieks, and gathers itself into itself, as it were, avoids movement, and then certain involuntary twitchings about the head come, those being the premonitory symptoms before the paroxysms set in. They say there were no premonitory symptoms in Cook's case; I utterly deny that proposition: I say there were premonitory symptoms of the most marked character, though he did not describe them in language. He is lying in bed—he suddenly starts up in an agony of alarm. What made him do that? was there nothing premonitory, nothing that warned him that the paroxysm was coming? It is clear there must have been. He jumps up in his bed and says, "Fetch me Palmer, I am going to be ill, as I was last night." What was it but that he knew the symptoms that attended him on the previous evening were now warning him of what he might expect in a short period, unless succour could be obtained? He sits up, and he prays to have his neck rubbed. What was the feeling about the neck but a premonitory symptom which was to precede the paroxysm which presently supervened? He says "Rub my neck, it gives me comfort to have it done."

But here again they take exception, and they say 'this could not have been tetanus from strychnia, because animals cannot bear to be touched; a touch brings on the paroxysm; not only a touch, but a breath of air, a sound, a word, a movement of any one near, will bring on a recurrence of the paroxysm.' True: but that is after the paroxysm has once been set up, or when it is just about to begin. It is quite clear that those witnesses who come and say that the fact of Mr. Cook having desired to have his neck rubbed is a fact to prove that this could not be a death from tetanus, have either wilfully suppressed the knowledge in their own minds of the evidence they had heard, or they had paid no attention to it; because in two cases of death from strychnia we have shown the patient endured the touching of the limbs and found satisfaction from it. In Mrs. Smyth's case, when her legs were distorted, in the agony of the convulsion she prayed and entreated to have them straightened; she found no additional pain from that operation. The lady at Leeds, in the case which Mr. Nunnecley himself attended, implored her husband, between the spasms, to rub her legs and her arms, in order to overcome and subdue their rigidity. That case was under his own knowledge, and in spite of it, although he detected afterwards strychnia in the body of that unhappy woman, he dares to come forward here and say that the fact of Mr. Cook having before the paroxysm tolerated rubbing, and found comfort in it, proves that this could not have been a death from strychnia. What think you of the honesty of such a witness? But there is a third case, which is the case of Mr. Clutterbuck, spoken to by Mr. Moore. That gentleman had taken an overdose of strychnia, and he suffered from all the pains of tetanus; his only comfort was having his limbs rubbed; and therefore, I say, to contend and to endeavour to persuade a jury that the fact of Cook's having had his neck rubbed proved that this was not tetanus from strychnia, proves, I say, nothing but the dishonesty and insincerity of the witnesses who can dare to put forward such a pretence.

But then they go further, and they say that Mr. Cook was able to swallow. So he was, before the paroxysm came on. Nobody ever pretended that he could swallow after the paroxysm came on. He swallowed the pills, and, what is very curious, and, as they think, bears out and illustrates a part of their theory, is this. It was the act of attempting to swallow the pills—the sort of movement that must have taken place in raising his head and neck for the purpose—that immediately brings on the violent paroxysm of which he died. So far from that in the slightest degree militating against the supposition that this was a case of poisoning by strychnia, it is strongly and decisively conclusive in its favour.

But then they take us to the appearances after death, and they say that there are

circumstances to be found which militate against this being a case of strychnia poisoning. Let us see what they are. In the first place, they say the limbs became rigid either at the time of death or immediately after, and that ought not to be found in a case of tetanus from strychnia. Mr. Nunneley says, "In all cases upon which I have experimented I have found the animals become flaccid before death, and they do not become again rigid after it." I can hardly believe that statement, and I certainly was not a little surprised when the very next witness who got into the box (Mr. Herapath, of Bristol) told us he had made two experiments upon cats, and killed them both. He described them as "indurated and contorted." Those were his expressions when he found them some hours after death. The presence of rigidity in the body at or immediately after death here is put forward on the part of Mr. Nunneley as one of the grounds upon which he says this was not a death by strychnia, although Dr. Taylor had told us that in the case of one of the cats he killed the rigidity after death was such that upon taking the animal by the hind legs and holding it up in the air, the body maintained its horizontal natural position, as though the animal had been upon its four legs upon a plane surface. Notwithstanding that evidence, Mr. Nunneley had the audacity to say that he did not believe this was a case of poisoning by strychnia, because there had been rigidity of the limbs—because the feet were distorted, the hands clenched, and the muscles rigid as the unhappy man exhibited prior to his death. The very next witness called upon the other side produced two instances in which the animals were indurated from one end of their bodies to the other. As he says they were contorted in all their limbs, and so they remained, it shows what you are to think of the honesty of this sort of evidence, in which facts are selected because they make in favour of the particular hypothesis of the party who brings them forward.

Then the next thing that is said is that the heart in this case was empty. In the animals Mr. Nunneley and Dr. Letheby have operated upon I think the heart has been found full. I do not think that applies to all the cases; I think they make some exceptions; and, as I said in the outset, it is a remarkable fact connected with the history of this particular poison, that you never can rely upon the precise form or order which the symptoms before death and the appearances after it will assume. There are only certain great leading marked characteristic features—the collateral incidents are capable of infinite variety. We have here the main marked characteristic features, and we have, what is more, collateral incidents similar to the cases in which the administration of strychnia and the fact that death was caused by it are beyond the possibility of dispute. In the very evidence which has been adduced of two cases of poisoning, Mrs. Smyth's and the Glasgow girl, in both the heart had been found compressed and emptied; and it is obvious to any one who reflects for a single moment that the question whether the heart shall be found congested or the lungs congested must depend upon the immediate cause of death, and we know that in cases of tetanus death may result from more than one cause. All the muscles of the body are subject to the exciting action of this powerful poison, but no one can tell in what order those muscles will be affected, or where the poisonous influence will put forth the fulness of its power. If it act upon the respiratory muscles, and arrest the play of the lungs and with it the breathing of atmospheric air, the result will be that the heart will be left full; but if some spasm seizes on the heart, contracting it and expelling from it the blood that it contains, and so produces death, why, the result will be that the heart will be found empty and the other vessels gorged with blood. So that you have never perfect certainty as to how those symptoms will manifest themselves after death; but that is again put forward as if the fact of the heart having been found empty is a conclusive fact against death having in this case taken place from strychnia. Yet those men who came here to make those statements as witnesses under the sanction of scientific authority, must have heard both those cases spoken to by the medical gentlemen who examined those two unfortunate patients after death, and who told us that in both cases the heart was found empty. That gets rid of that matter. And so again with regard to the congestion of the brain and other vessels, the same observation applies. If instead of being killed by the action of the poison upon the respiratory muscles or by its action upon the heart, death is the result of a long series of paroxysms exhausting the vital power of the victim, then you expect to find the brain and other vessels congested by those series of convulsions and spasms. As death takes place from one or other of those causes, so will be the appearance of the heart, the brain, and the body after death. There is nothing, I say, in this for a single moment to negative the conclusion which you would otherwise arrive at from the symptoms which appeared in this man's body at the time of his death and immediately afterwards—that those are the symptoms of tetanus of the strongest and most aggravated kind; that is a proposition about which, I think, you can entertain no doubt. If so, are they referable to tetanus of any other description? Certainly not; because, as Sir Benjamin Brodie told



you, the course of the symptom is marked by characteristics of unquestionable difference.

Is it not then preposterous to contend that this was not a case of tetanus? And if every one of the distinctions they have attempted to set up I show you to have really nothing to do with the case (because I produce you at once an undoubted case in which the administration of strychnia is beyond the reach of question, in which those particular symptoms and appearances were manifested and observed), I get rid at once of all those vain, futile attempts to distinguish this case, either in its premonitory symptoms or in the appearances either before or upon post-mortem examination. I get rid of all those difficulties, and I come back to the symptoms which attended this unhappy man's demise. I ask whether you can doubt that, when I have excluded all those cases of tetanic convulsions, epilepsy, and arachnitis, or angina pectoris, which occurred, you recollect, in a young girl after an attack of scarlet fever—in all human probability the scarlet fever had been thrown back upon the system, and had produced all those consequences—when I exclude all those cases, and then lastly exclude traumatic or idiopathic tetanus, what remains? The tetanus of strychnia, and the tetanus of strychnia only. I pray your attention to the cases of which evidence has been given, in which there was no question as to strychnia having been administered, there not being the shadow of a doubt about it, and in which the circumstances were so similar, and the symptoms so analogous, that I think you cannot hesitate to come to the conclusion that this was death by strychnia. Medical witnesses of the highest authority, both on the part of the Crown and on the part of the defence, agree that in the whole range of their experience and knowledge they know of no natural disease to which these remarkable symptoms can be referred. If that be so, and there is a known poison that will produce them, how strong, how cogent, how irresistible becomes the inference that to that poison, and to that poison alone, are those symptoms and this death to be ascribed!

Nevertheless, gentlemen, on the other hand, the case is not without its difficulties; and I will not shrink from the discussion of them, nor from the candid recognition of those difficulties, so far as they in reality exist. Strychnia was not found in this body; and we have it no doubt upon strong evidence, that in a variety of experiments which have been tried upon the bodies of animals killed by strychnia, strychnia has been detected by the tests which science places at the disposition of scientific men. If strychnia had been found, of course there would have been no difficulty, and we should have had none of the ingenious theories which gentlemen from a variety of parts have been brought forward to propound in this Court. The question for your consideration is, whether the absence of its detection leads conclusively to the view that this death could not have been caused by the administration of that poison. Now, in the first place, under what circumstances was the examination made of which Dr. Taylor and Dr. Rees have spoken? They tell you that when the stomach of this man was brought to them for the purpose of analysis, it was presented to them under the most unfavourable circumstances. They say that its contents had been lost, and that they had no opportunity of experimenting upon them. It is very true that those who put up the jar make a statement somewhat different. They say that the contents of the stomach were emptied into the jar, but there appears at all events (I will not put it higher than accident), by accident, to have been some spilling of the contents; and there is, I think, the clearest and most undeniable evidence of very considerable bungling in the way in which the stomach was cut, and the way in which it was emptied into the jar. It was cut from end to end, says Dr. Taylor. It was tied up at both ends; it had been turned inside out into the contents of the intestines, and lay there in a mass of feculent matter, and was therefore in a condition the most unsatisfactory for analysis and experiment. It is very true that the witnesses upon the other side—Mr. Nunnely, Mr. Herapath, and Dr. Letheby—say that, no matter how contaminated or how mixed with impurities, they should have been able to ascertain the presence of strychnia in the stomach, if strychnia ever had been there. I own I should have more confidence in the testimony of those witnesses if their partiality and partisanship had not been so much marked as they are. I should have more confidence in the testimony of Mr. Herapath, if he had not been constrained to admit to me a fact which had come to my knowledge, that he has again and again asserted that this case was a case of poisoning by strychnine, but that Dr. Taylor had not known how to find it out: he admits that that is a statement he has again and again made.

*Mr. Serjeant Shee.*—It was in the newspapers, he said.

*Mr. Attorney-General.*—He did not venture to say that the newspaper statement in any way differed from the fact which he admitted in this court. I have seen that gentleman not merely contenting himself with coming forward, when called upon for the purpose of justice, to state that which he knew as a matter of science or of experiment, but I have

seen him mixing himself up as a thoroughgoing partisan in this case, advising my learned friend, suggesting question upon question, and that in behalf of a man whom he has again and again asserted he believed to be a poisoner by strychnine. I do not say that alters the fact; but I do say that it induces one to look at the credit of those witnesses with a very great amount of suspicion. I reverence a man who, from a sense of justice and a love of truth—from those high considerations which form the noblest elements in the character of man—comes forward in favour of a man against whom the world may run in a torrent of prejudice and aversion, and who stands and states what he believes to be the truth; but I abhor the traffic in testimony to which I regret to say men of science sometimes permit themselves to condescend. I ask you therefore to look at the statements of those witnesses with dispassionate consideration before you attach implicit credit to them. But let me assume that all they say is true, that it is the fact that they in their experiments have succeeded in discovering strychnia when mixed with other impurities, and contaminated, no matter by what cause,—they say that no extent of putrefaction, no amount of decomposition, will alter the character of that vegetable matter, so that it may not be detected if it is in the human stomach. Be it so. But then must it always be found in every case where death has ensued? Professor Taylor says no; and he says it would be a most dangerous and mischievous proposition to assert that that must necessarily be so—that it would enable many a guilty man to escape who, by administering the smallest quantity whereby life can be affected and destroyed, might by that means prevent the possibility of the detection of the poison in the stomach of the individual. All the witnesses seem to agree in this, or at all events the great bulk of them agree in this, that the poison acts after it has been absorbed into the system; taken up by the absorbents of the stomach, it is carried into the blood; passing by means of the circulation through the tissues, it is deposited there; at some stage or other of its progress it affects the nervous system; and as soon as the nerves, affecting the muscles of motion, become influenced by its baneful power, then come on those muscular spasms and convulsions of which we have heard so much. If the minimum dose be given, and that operates by absorption, it is perfectly clear—and must be clear—that the whole must be taken up by absorbents and pass into the blood, and that none therefore will be found in the stomach. Nay, a further proposition is also clear. If it is necessary that it should be first passed by means of the circulation into the solid tissues of the body, before it acts upon the nervous system, it will cease to be found in the blood. Again, a portion of it, if in excess, will be eliminated in the kidneys, and pass off in watery secretion. You do not know, therefore, in what part of the human body to put your hand upon it. But this is undoubtedly the fact, if there has been an excess over the quantity necessary to destroy the life of a particular individual, then, as soon as the absorbents have taken up the necessary quantity, the nervous system will at once be affected and life destroyed; you will find the excess in the stomach, if you adopt the proper means of seeking for it. Now what did these gentlemen do? They gave never less than a grain—often as much as two grains; and yet we now know that a quarter of a grain is enough to destroy a small animal like a rabbit, and that no man could venture to hope for life who took half a grain or three-quarters of a grain of it. Therefore in the cases of their experiments, and experiments made, allow me to say, for the purpose of this cause, after those parties had been retained—I use the word “retained,” for it is the appropriate word; no parties can be more thoroughgoing partisans than scientific men who have once taken up a case—after they have been retained for this case, and desire that their experiments should have a certain result, they take good care to have doses large enough to leave a small portion in the stomach. But be this as it may, I have only now to deal with the experiments of Professor Taylor and Dr. Rees; they may, for aught I know, be a pair of bunglers; it is no part of my business to uphold them if their professional reputation will not do it; but they tell us that they tried its effects upon four animals of the same species with fully adequate doses. Where they administered two grains they reproduced the poison in abundance; where they administered one grain they found a small indication of it; and when they administered half a grain to two rabbits they found no traces of the poison at all. It may well be that that may result, as Mr. Herapath says, from Professor Taylor not knowing the right way of going about it. It may be, if Mr. Herapath had had the stomach under his more scientific manipulation, he would have produced the strychnia. It is enough for my purpose when, as I show, the man who did in this case experiment upon the stomach of Mr. Cook, in two cases out of four when he had given a smaller dose to rabbits failed to reproduce the poison. What is the conclusion I draw from it? Why, that although I cannot have the advantage here which the positive detection of the strychnia would have afforded if it had been found, there is no room for the opposite conclusion—the converse of the proposition for which my learned friend and his witnesses contend—that the fact of the strychnia not having been reproduced or discovered affords negative conclusive proof that the



death was not produced by strychnia. I have no positive proof on the one hand, but on the other hand my learned friend is in the same predicament—he cannot say that he has negative proof conclusive of the fact of this death not having taken place by strychnia.

But now is there no other evidence in the case? Do I ask you to come to the conclusion that he administered strychnia to his friend, simply because the symptoms of that friend's death are reconcilable with no known form of disease which the most enlarged experience or knowledge can supply? No, gentlemen, it does not rest there. Not because those symptoms are precisely those which show themselves in cases of poisoning by strychnia. No, the case does not rest there; I wish it did. But alas! it does not. I must now draw your serious attention to a part of the case which has not been met, and has not been grappled with. My learned friend said that he would contest the ground with the prosecution foot by foot. Alas! we are upon that ground upon which, as it were, is centered the crisis of this momentous question; and, alas! my learned friend has not grappled with it for an instant. We have here a death of which the dread manifestations bore upon their face the character of strychnia poisoning. Was the prisoner at the bar possessed of that poison? Did he obtain it upon the eve of the death into which we are inquiring? These are matters of fearful moment. They are matters with which it behoved my learned friend indeed to have grappled with all the vigour of which he was capable and with all the means that his case afforded. But I grieve to say that this part of the case is left untouched as regards the defence. Did the prisoner at the bar obtain possession of strychnia on the Monday late? Did he get it again upon the Tuesday morning? The fact of his having got it on the Monday night rests, it is true, upon the evidence of an individual whose statement, as I said to you in the onset, and as I repeat now, requires at your hands the most careful and anxious attention before you adopt it easily. Newton tells us that on that night when Mr. Palmer came back from London, he came to him and obtained from him three grains of the poison of which, supposing it had been administered, the symptoms and effect both in life and death would have been precisely the same as those which have been described in Cook's case. Is Newton speaking the truth, or is he not? It is open to observation—I said so from the beginning, and my learned friend has done no more than reiterate the warning I gave you—it is, I say, open to serious observation, that Newton never made that statement until the day previous to the commencement of the trial. He has explained to you the reasons which induced his silence. His employer had been for a long time upon unpleasant terms with Palmer. The young man, who knew him, however, and who appears to have been more or less upon familiar terms with him, did not hesitate to give him the three grains of strychnia. Palmer was a medical man, and strychnia is often used by medical men. There was nothing extraordinary therefore at that time of night, when chemists' shops might be expected to be shut up, that, upon Mr. Palmer's coming to him for three grains of strychnia, he gave them to him, and probably thought little more about it. But when afterwards the question of the mode by which this man's life had been taken away became rife in Rugeley, and suspicions arose of strychnia, and Roberts came forward and said that upon the Tuesday morning Mr. Palmer had bought strychnia of him, and this young man was called to confirm the circumstance of Mr. Palmer's having been at the shop, he heard that this question of strychnine was involved, and it began to occur to him that it might seriously implicate him with his employer, might cast even the shadow of doubt and suspicion upon himself, if he came forward and voluntarily stated that he had supplied Palmer with the poison the night before. Then he locked this secret in his breast. But when the eve of the trial came, and he knew that he was to be subjected to examination here, he felt a sort of oppression at having this secret locked up in his breast, and he voluntarily came forward and made the statement which he has repeated here. It is for you to say whether you are satisfied with that explanation. It is unquestionably true that it detracts from the otherwise perfect credibility which would attach to his statement. But then, gentlemen, on the other hand, there is a consideration which I cannot fail to press upon you. What possible conceivable motive can this young man have, except a sense of truth, for coming forward to make this statement? My learned friend, with justice and with propriety, has asked for your most attentive consideration to the question of motives involved in this case. Before you can charge a man with having taken away the life of another by aforethought and deliberate malice, it does become important to see whether there were motives that could operate upon him to do so foul a deed. That does not apply to this witness, for, even though the hideous crime of taking life by poison is not perhaps so horrible to contemplate as the notion of judicial murder effected by false witness against a man's neighbour, can you suppose that this young man can have the remotest shadow of a motive for coming forward upon this occasion, under the solemn sanction of an oath, in a court of justice like this, to take away the life—for alas! if you believe his evidence, it must take away the life—of the prisoner at the bar? If you believe that on the night

of Monday, for no other conceivable or assignable purpose except the deed of darkness which was to be done that night upon the person of Mr. Cook, the prisoner at the bar went to Newton and obtained from him the fatal and deadly instrument whereby life was to be destroyed, it is impossible that you can come to any other conclusion than that the prisoner is guilty, and that your verdict must pronounce him so.

What says my learned friend? He says that Newton does not speak the truth: first, because he did not come forward till the last minute; and, secondly, because he lays the time of his communication with the prisoner, and affording him the strychnia, at 9 o'clock, and the prisoner was not in Rugeley until 10.

Now, in the first place, I must remark upon this that the young man does not say 9 o'clock. He says, "about 9," and every one knows how easy it is to make a mistake as to time with reference to half an hour or three quarters of an hour, or even an hour, when your attention is not till perhaps a week or a fortnight or three weeks afterwards called to a particular circumstance. A man may be sitting working in his study or his surgery, and have no clock before him, and have nothing particular to impress upon his mind the precise hour of time at which a certain transaction took place; and to say afterwards, when he comes to speak to it under the sanction of an oath, that because he makes some slight difference as to the time therefore he must be taken to be speaking untruly, appears to my mind a most untenable and unsatisfactory argument. It is due to my learned friend to say that he has sought to meet this part of the case. He has produced to-day a witness of whom all I can say is this, that I implore you, for the sake of justice, not to allow the man who stands at the bar to be prejudiced by the evidence of that most discreditable and unworthy witness who has been called to-day on his behalf. I say that not to one word which that man has uttered will you attach the slightest value. Before I come to him, however, I must make this remark,—that, if Newton could not be mistaken as to the time, how is it possible that the prisoner could be mistaken as to the time? Yet he clearly was. He told Dr. Bamford (and we have it from Dr. Bamford himself) the next morning that he visited Cook between 9 and 10 o'clock the night before. And now there comes a witness who tells us that it was a quarter past 10 that he had with him alighted from the car that brought them from Stafford, and he could not till after that have gone to visit Cook. My learned friend reminds me that it was 10 minutes past 10. Then he had to go to Cook. One of the maidservants, Lavinia Barnes, like every other witness, may be mistaken; but she asserts that on that night, the Monday evening, Mr. Palmer came to the hotel and went to see Mr. Cook before 9 o'clock. It is clear that she must have been mistaken. It is clear that he could not have been there much before 10. I am told that they get over in about an hour. There was a carriage waiting for him, and he would come over to Rugeley with as much rapidity as he could, which would not be before 10 o'clock. As to the fact of the witness pretending that he saw him alight from the car, and that he went to Cook and stayed a certain time so as to cover the whole evening, I ask you not to believe a single word, and I do so because in my heart I do not believe a single word of it.

It is a remarkable fact which has not escaped your attention, I dare say, that my learned friend did not open a single word of the testimony that he was going to call. He said he hoped and thought he should be able to cover that whole period at Rugeley. Did he tell us what the witness was going to prove, that Jeremiah Smith had been upstairs in the inn, and seen by some of the people at the inn going upstairs to Cook's room? No, he did not. If he had we should have had plenty of time between that and this to ascertain how the fact stood, and I believe have been ready to meet Mr. Jeremiah Smith with contradictory evidence. It was well to follow that course when you were uncertain what your witness would say, or what your case might be, because you might be met and confronted by contradictory evidence. I need not say that any evidence would have been better than the evidence of that miserable man whom we saw exhibited to-day. Such a spectacle I never saw in my recollection in a court of justice. He calls himself a member of the legal profession. I blush for it to number such a man upon its roll. There was not one that heard him to-day that was not satisfied that that man came here to tell a false tale. There cannot be a man who is not convinced that he has been mixed up in many a villany which if not perpetrated had been attempted to be perpetrated in that quarter, and he comes now to save, if he can, the life of his companion and his friend—the son of the woman with whom he has had that intimacy which he sought to-day in vain to disguise. I say, when you look at the whole of those circumstances; balance the evidence on both sides, and look at the question of whether Newton can by possibility have any motive for coming here to give evidence which must be fatal to a man who, if that evidence be not true, he must believe to be an innocent one: when you see that he can have no motive for such a purpose—to suppose that he would do so without a motive is to suppose human nature in its worst and most repulsive form to be one hundred times more wicked and perverse than



experience ever yet has found it—I cannot but submit to you that you ought to believe that evidence, and I cannot but submit to you deferentially, but at the same time firmly and emphatically, that if you do believe that evidence it is conclusive of the case.

But it does not stop there. On the morrow of that day we have the clearest and most unquestioned evidence that Mr. Palmer bought more strychnine. He went to Mr. Hawkins's shop, and there purchased six grains more, and the circumstances attending that purchase are peculiar in the extreme. He comes to the shop, and he gives an order for prussic acid, and, having got his prussic acid, he gives an order for strychnia. Before the strychnia is put up, Newton, the same man, comes into the shop. What does the prisoner do? He immediately takes Newton by the arm, and says he has something particular to say to him, and takes him to the door. What was it he had to say to him? Was it anything particular? Was it anything of the slightest importance? Was it anything that might not have been said in the presence of Roberts, who was putting up the strychnia? Certainly not. It was to ask a most unimportant question, namely, when young Mr. Salt was going to the farm which he had taken at Sudbury. In that question there could be nothing which might not be put in the presence of anybody, no matter who. He takes him to the door, and then puts this question. At the same time a man of the name of Brassington, a cooper, comes up, and Brassington had something to say to Newton upon business, having some bills against Newton's employer, Mr. Salt. Upon that Brassington and Newton get into conversation at some little distance from the door. The prisoner immediately takes advantage of those two being in conversation, and he goes back and completes the purchase of the strychnia. But while the strychnia was being made up he stands in the doorway with his back to the shop, and his face to the street, where he would have a perfect command of the persons of Newton and Brassington, and where, if Newton had quitted Brassington to return into the shop, the prisoner would at once have been in a position to take every possible step for not letting Newton go in, by renewing the conversation with him until the strychnia had been taken away. I ask you, having this description of the transaction given to you by Roberts in the first place, confirmed by Newton afterwards, can you entertain any reasonable doubt that the prisoner was desirous of not letting Newton know that he was purchasing strychnia there? You can very well understand that he would be desirous of keeping that fact from Newton, because, if it be true that Newton had let him have three grains the night before, Newton's attention would be naturally immediately aroused by so strange a circumstance, because nine grains of strychnia were enough—three grains were enough—to kill three, perhaps six people. What could a man want with nine grains of strychnia in so short a space of time? It would attract Newton's attention, and it did; for Newton immediately went and asked what he wanted there, his attention being in the first place directed not so much to what he had come to purchase as to the singularity of his coming there at all, because for two years past the prisoner never bought an article of any sort or kind at the shop of Mr. Hawkins. His former assistant, Mr. Thirlby, had two years before set up in business as a chemist, and from that time, naturally enough, Mr. Palmer had withdrawn his custom from Mr. Hawkins, and had given it to his former assistant, Mr. Thirlby. It was a remarkable thing that he should go to Mr. Hawkins's shop upon this occasion to get strychnia. Why did he not go to Mr. Thirlby? I will tell you. Mr. Thirlby would have known perfectly well that he could have no legitimate use for such an article. Mr. Thirlby had taken his practice. Mr. Palmer was no longer in practice, except in the circle of his relatives and his own immediate friends; and if he had gone to Mr. Thirlby for strychnia, Mr. Thirlby would have said, naturally enough, "What are you going to do with it?" and therefore he did not go to Mr. Thirlby. Why he should have gone to purchase strychnia (I agree with my learned friend it is one of the mysteries of this case) on two successive days I cannot tell; but that he did is undeniably true; and if on the one hand some little difficulty arises, on the other hand is not the difficulty infinitely greater in accounting for the motive that induced him to go and get this strychnia either on the Monday night or upon the Tuesday? If it was for the purpose of professional use for the benefit of some patient for whom small doses of strychnia might have been advantageous, where is the patient and why is he not produced? My learned friend did not even advert to the question of the second purchase of strychnia in the whole of his powerful observations. He passes it over in mysterious but significant silence. Account for that six grains of strychnia, the purchase of which is an undoubted and indisputable fact. Throw doubt if you please—I blame you not for it—upon the story of the purchase on the previous night; but on the Tuesday it is unquestionably true that six grains of strychnia were purchased. Purchased for whom? purchased for what? If for any patient, who is that patient? Produce him. If for any other purpose, at least let us have it explained. Has there been the slightest shadow of an attempt at explanation? Alas! I grieve to say, none at all. Something was said, in the outset of this case, about some dogs that had been troublesome in the paddocks

where the mares and foals were, but that proved to have been in September. If there had been any recurrence of such a thing, where are the grooms who had the care and charge of those mares and foals, and why are they not here to state the fact? If this poison was used for the purpose of destroying dogs, some one must have assisted Mr. Palmer in the attempts which he resorted to for that purpose. Where are those persons? Why are they not called? But, not only are they not called, they are not even named. My learned friend does not venture to breathe even a suggestion of anything of the kind. I ask, gentlemen, what conclusion can we draw from these things, except one, and one alone? Death, with all the symptoms of strychnia—death in all the convulsive agonies and throes which that fatal poison produces in the frame of man—death with all the appearances which follow upon death, and mark how that death has come to pass—all these things, in the minds of those who can discuss and consider them with calm, dispassionate attention, who do not mix themselves up as advocates, partisans, or witnesses, leading to but one conclusion; and then the fact of the strychnia being purchased by the prisoner on the morning of the fatal day, if not obtained by him, as was sworn to, on the night before, is left wholly uncovered and wholly unmet, without the shadow of a defence. Alas! gentlemen, is it possible that we can come to any other than one painful and dread conclusion? I protest I can suggest to you none.

It is said by my learned friend, "Is it likely that Mr. Palmer should have purchased strychnia at Rugeley when he might have got it in London?" I admit the fact. I feel the force of the observation. If he could have shown that he had done anything with this strychnia—if he could have shown any legitimate purpose to which it was intended to be applied, and to which it was afterwards applied—then I should say that it would be an argument worthy of your gravest and most attentive consideration. But just see on the one hand how the fact may stand. He was in town on the Monday, and he had the opportunity, as my learned friend suggests, of purchasing strychnia there. But on the other hand he had much to do; he had his train to catch by a certain time; he had in the mean while his pecuniary embarrassments to solve if he could. Time may have flown too fast for him to be able to go and obtain this strychnia; and even if he had had time, I do not believe it is sold in chemists' shops in London without the name of the party purchasing it as a voucher. If he had given his name, of course it would have been still worse if he had bought strychnia in London than if he had bought it in Rugeley. I do not say that it is not worthy of your consideration, that it is not a difficulty in the case; but I say there is plain, distinct, positive proof of the purchase of strychnia, and under circumstances which cannot fail to lead to the conclusion that he shrank from the observation of Newton at the time he was buying it; and there is a total absence of all proof, nay, of all suggestion, of any legitimate purpose to which that fatal poison was to be, or was in point of fact, afterwards actually applied.

Then, gentlemen, it is said that there are two other circumstances in the case which make strongly in favour of the prisoner, and negative the presumption of a guilty intention, and those are, the fact that he called in two medical men. Here again I admit that this is a matter to which all due consideration ought to be given. He called in Dr. Bamford on the Saturday, and he wrote to Mr. Jones on the Sunday, and desired his presence to attend his sick friend. It is perfectly true that he did. It is perfectly true, as medical men, they would be likely to know the symptoms of poisoning by strychnia, and they would be likely to suspect that death had ensued from it; and yet even here it strikes me that there is a singular inconsistency in the defence. See the strange contradiction in which the witnesses called for the defence involve my learned friend who puts them forward, if all those symptoms were not the symptoms of strychnia. If they are referable to all the multiform variety of disease to which those witnesses have spoken, why then should Mr. Palmer have the credit of having selected medical men who would be likely to know from those symptoms that they were symptoms of strychnia? I pass that by; it is not a matter of very much importance. It is true that he did have those two medical men. He called in old Dr. Bamford. I speak of that gentleman in terms of perfect respect; but I think I do him no injustice if I say that the vigour of his intellect and his power of observation have been impaired, as all human powers are liable to be impaired, by the advancing hand of time. I do not think he was a person likely to make very shrewd observations upon any symptoms exhibited to him, either immediately after death, or upon the subsequent examination of the body: and the best proof of that is to be found in that which he has actually done and written with reference to this case. As regards Mr. Jones the same observation does not apply. He was a young man in the full possession of his intellect and the professional knowledge which he had acquired. Nevertheless about him the observations I am about to address to you I think are not unworthy of notice. The prisoner at the bar selected his men well, for what has come to pass shows how wisely he judged of what



was likely to take place. This death occurred in the presence of Mr. Jones, with all those fearful symptoms which you have heard described; yet Mr. Jones suspected nothing; and if Mr. Stevens had not exhibited that sagacity and firmness which he did manifest in the after parts of this transaction, and if Mr. Palmer had succeeded in getting that body hastily introduced into the strong oak coffin that he had had made for it, the body would have been consigned to the grave, and nobody would have been aught the wiser. The presence of Mr. Jones, and the presence of Dr. Bamford, would not have led to detection, would not have frustrated the designs with which I shall presently contend before you this death was brought about.

On the other hand, gentlemen, the matter is perhaps capable of this aspect; it may have been that a man whose cunning was equal to his boldness may have thought it the best course to adopt to avoid suspicion—to prevent its possibility—was to take care that medical men should be called in and should be present at the time of death; nor is there anything to show that the prisoner had the most distant notion that Mr. Jones intended to sleep in this room that night; and if he had not the man would have been found dead in the morning; he would have gone through his mortal struggle and intense and fearful agony; he would have died there alone and unbefriended; he would have been found dead the next morning; the old man would have said it was apoplexy, and the young man would have put it down to epilepsy. If any one had whispered a suspicion, the same argument would have been used which has been used now with so much power and force by my learned friend. Can you imagine that the man would have called in medical men to be the witnesses of a death which he himself was bringing about? But, gentlemen, as I have already said, if you believe the evidence of Newton, and if you believe that that same night pills were administered to Cook by Palmer, and that, I believe, will be your opinion and conclusion, notwithstanding that wretched witness to-day said he heard Cook say to Palmer that he had taken the pills already, because he, Palmer, was late, whereas the woman witness, Mills, told you that the next morning Cook reminded her that his agony was such as she never could have witnessed in any human being, and he told her he ascribed it to the pills which Palmer had given him at half-past 10—if you believe that statement, and that the pills were given him by Palmer at half-past 10, and you find that Palmer a few short minutes perhaps before went to Newton, and got the poison from Newton, and you find upon that night the first paroxysms, though not so violent and not fatal, yet similar and analogous in character to those which preceded the death, can you doubt on the first night the poison was administered to him? though with what purpose I know not; I can only speculate; whether it was to bring about by some minute dose convulsions which should not have the complete character of tetanus, but would bear a resemblance to natural convulsions which should justify his saying afterwards that the man had had a fit, and so prepare those who should hear of it on the next night, when the death was to ensue, for the belief that it was merely a succession of the same description of fit that he had had before. That is one solution. The other may be that he attempted on that Monday night to carry out his fell purpose to its full extent, but that the poison proved inefficacious. We hear that an adulterated form, or at all events an inferior form, called *bruehsia*, is occasionally sold, and it may have been that it failed in its effect. It is only one-tenth of the strength. We know that he purchased poison on Tuesday, and that on that night Cook died with all the symptoms of poison; and why he purchased that poison is not in any way accounted for. The symptoms were the same on the Tuesday night in character, though greater in degree, than they were on the Monday; and there is found a witness who comes forward and says, with no earthly motive to tell so foul a falsehood, "I found the character of the convulsions the two succeeding nights the same." I cannot resist the conclusion to which my reasoning impels me, that poison was administered upon both nights, though it failed upon the first. I can only speculate as to what was the cause of failure. There are the facts, and you must deal with them.

Alas! gentlemen, it does not stop there: there is another part of this case which, though it may not have been the means of death, is of the highest value in estimating the credit that is to be given to the point which we advance of this death having been produced by strychnia—I allude to the antimony. We have had medical men and analytical chemists who have told us a great deal about strychnia, but not one has said a word about antimony. On the Wednesday night, at Shrewsbury, when Cook drinks his glass of brandy-and-water he fancies there is something in it that burns his throat; he exclaims at the time, and he is seized immediately with vomiting, which lasts for several hours. On that same night Mrs. Brookes sees the prisoner shaking something in a glass, evidently dissolving something in fluid. A man has been called here to-day, the boon companion, the chosen associate, the racing confederate of the prisoner, to come and tell you that all that

story is untrue—that the woman never came down stairs—that Palmer never carried out the brandy-and-water—that there is not a word of truth in it—and the fact is that Palmer and Cook only came in at 12 o'clock, when Myatt forsooth had been waiting for two hours. Mrs. Brookes's story is, according to him, an entire invention from beginning to end; he swears that he must have seen if anything had been mixed with the brandy-and-water, and nothing was mixed with it. I think you will be more disposed to believe Mrs. Brookes than to believe any of those persons who were the associates of the prisoner, and who had been partners in his transactions. It is a remarkable fact that Cook drinks that brandy-and-water and a few minutes after is taken ill. There were other persons taken ill at Shrewsbury; it may be within the verge of possibility—although ten minutes after he had drunk the brandy-and-water he was taken with vomiting—that it was the same form of complaint to which other persons were subject in Shrewsbury; I do not want to press it one jot further than it ought to go, but it is a remarkable circumstance that the man is seen with a glass and with a fluid which he is mixing up and holding to the light, and shortly afterwards his friend who is drinking with him or drinking at the same table at which he is drinking, who, if Myatt be telling the truth, was somewhat in liquor and ought not to have been pressed to take brandy-and-water—Palmer says that he will not take anything until Cook has exhausted his portion—and then immediately afterwards the man is taken ill. These are circumstances not altogether incapable of producing certain impressions upon one which it is difficult to shake off.

Nevertheless, I pass on from that, and go to Rugeley. From the Saturday morning until the Monday morning I find this poor man suffering under the influence of constant vomiting; that was not the Shrewsbury disease—he had got rid of it; he was well on Thursday and he was well on Friday. On Saturday morning, after dining at Mr. Palmer's, he is taken ill; and then we have the fact of Mr. Palmer administering his food, administering his remedies, sending over toast-and-water, sending over broth; and, no sooner has this poor man taken those things than he is seized with incessant vomitings of the most painful description. What about the broth? The broth is said to-day by Smith to have been sent from the Albion. Yes; and where does it find its way to? It is taken, not to the Talbot Arms, but to the prisoner's kitchen. After that, instead of leaving it, as one would suppose he would leave it, to the woman to take to the Talbot Arms, he takes it himself from the fire, puts it into the cup, gives it to her, it is taken over, and the man vomits immediately after he has drunk it. On the Sunday the same thing is done again; the broth is brought from the same quarter, and attended with the same results. Of that broth the woman takes a couple of spoonfuls, and she is sick for several hours. She vomits twenty times, and is unable to leave her bed for some hours. My learned friend said she did not state that before the coroner. Nevertheless, it is sworn to by the other servant that the woman was ill. I can quite understand why the woman did not state it before the coroner. It shows the honesty of the woman's character. It did not occur to her to connect the sickness from which she suffered with the taking of the broth; but afterwards, when the story of the antimony came up, and Cook's sickness was connected with it, then she remembered perfectly well, after the evidence had been given, how she, having taken the broth, immediately became ill. The fact is not one capable of dispute, although it may be that she did not mention it before the coroner. And I think you will regard it as a very important and significant fact in the case, that, on the Monday when Palmer is absent, Cook is better. On the Tuesday he vomits again, though not in the same degree. But after death—now comes the important fact—antimony is found in the tissues of that man's body, and his blood shows the presence of it; the blood shows distinctly that it must have been taken recently, within the last eight-and-forty hours previously to his death. How came it there? The small quantity that is found does not form the slightest criterion of the quantity that had been administered to him. Part of it, you know, would be thrown up by the act of vomiting which it provokes; part of it would pass away in other forms, but none would be there unless he had taken some. When did he take it? If you find that he is suffering from vomiting for days before his death—that a person is constantly administering things to him, and after taking those things he vomits—when the prisoner sends him over a basin of broth he vomits, and when the servant takes a couple of spoonfuls she is reduced to the same condition—what other conclusion can you come to, knowing that antimony is an irritant that will produce vomiting and retching in the human system, than that the antimony must have been administered to him by some one? By whom? Who but the prisoner at the bar could have done it? My learned friend says, Cook might have taken antimony at some former time—that he might have taken James's powder for a cold. There is not the slightest trace of evidence from the beginning to the end of the case that he ever had a cold, or ever took



James's powder, over the whole period we are now ranging. Moreover, as I have even now said, it was in his blood, it must have been administered eight-and-forty hours before death; who could have administered it but the prisoner at the bar? I ask you to form your own judgment upon that matter, but I cannot resist the conclusion, it is irresistible. If so, for what purpose was it administered; it is difficult to say with anything like precision; one can only speculate upon it. It may have been, however, to produce the appearance of natural disease, to account for the calling in of medical men, and to account for the catastrophe which was already in preparation; but it may also have had another and a different object, and it is this: if we are right as to the motives which impelled the prisoner at the bar to commit this great crime, it was, at all events in part, that he might possess himself of the money which Cook would have to realize upon the settling-day at Tattersall's, on Monday. If Cook went there himself the scheme was frustrated; Mr. Cook intended to go there himself, and if he had done so the prisoner's design would have failed of accomplishment. To make him ill at Shrewsbury—to get him in consequence to go to Rugeley, instead of going to London or anywhere else—to make him ill again and keep him ill at Rugeley, might be part of a cleverly contrived and organized scheme. It might have been with one or other of those motives, it might have been with both, that the antimony was administered, and so sickness produced, but that the sickness was produced and that the antimony was afterwards found in the body are incapable of dispute. Put them together and you have cause and effect; and if you are satisfied that antimony was introduced into that poor man's body for the purpose of producing vomiting and sickness, then I say there is no one who could have given it to him within that recent period but the prisoner at the bar. Neither the doctor at Shrewsbury nor the doctor at Rugeley ever gave him one fraction of antimony which had those natural effects which as a cause it was certain to produce: then it will be for you to ask yourselves whether it can have been with any other than a fell purpose and design—with a view of paving the way for the more important act which was afterwards to follow.

My learned friend has dealt with this case of antimony in no other way than that which I have suggested, namely, casting out some loose, floating, imaginary notion that at some period or other, for which no precise date is given, he may have taken James's powder for the purpose of getting rid of a cold. Alas! gentlemen, I feel that so idle an objection cannot stand between you and the conclusion which, I submit to you, arises from the fact that this antimony was given to Mr. Cook with a wicked design. If it was, just see the important influence which it exercises upon the other question. If antimony was found—if antimony can have been given with no legitimate object, and if it can only have been given by the prisoner at the bar—how great does it render the probability that to carry out the purpose, whatever it may be, that he had in his mind, he gave him this strychnia, of which the deadly effects and consequences have been but too plainly made manifest.

Then, gentlemen, let us take the conduct of the prisoner into consideration in the after stages of the case, and also in one remarkable particular—in an incident that took place on the day of the death, on the evening of the preparation of the pills—and in his conduct taken in all its circumstances I fear you will find but too evident proofs of his guilt. I begin with the Tuesday, the day of the death. Mr. Cook had had what every one will admit to have been a most severe fit on the night before. Dr. Bamford comes upon the Tuesday, but not a word is said to him about it. He comes, and the prisoner is solicitous that he shall not see Cook; and twice in the course of that morning, when old Mr. Bamford is desirous of coming up to see the man, the prisoner said, "He is tranquil and dozing; I wish him not to be disturbed." That may have been innocent, but on the other hand, if Dr. Bamford had come at that time when the fit was fresh in Cook's mind, the probability is great that Cook would have told him what had happened the night before. Cook does not see him till 7 o'clock, when Mr. Jones had arrived. One would have expected that, having been invited to come by the prisoner, the first thing Mr. Palmer would have done would have been to mention how he found him the night before. He talks of nothing but about the bilious symptoms—bilious at Shrewsbury, bilious to Dr. Bamford, and bilious to Mr. Jones; and thus he is represented throughout by the prisoner at the bar, yet all this time the medical men agree in saying that there was not a bilious symptom about him from beginning to end; no feverish skin, no loaded tongue, and none of the concomitants of a bilious condition. The moment Mr. Jones sees him, considering he had heard that this man was suffering under a bilious affection, he says, "That is not the tongue of a bilious patient." The only answer he gets is, "You should have seen it before." When? When the man saw him at Shrewsbury, or when Dr. Bamford saw him, they both found his tongue perfectly clear; the irritation in the bowels was not the result of natural action, but of

the antinomy; and not one single word does he say to Mr. Jones of the fit that had taken place the night before. It is a remarkable circumstance, when the three medical men are consulting at the bedside, the patient says, "I will have no more pills—no more medicine to-night," intimating that his sufferings of the night before he ascribed to the pills which he had taken. There is no observation made by Mr. Palmer as to what had been the nature of the man's attack the night before, he having been called up in the dead of the night. They go into an adjoining room to consult as to the best thing to be done. The man had declared his aversion to taking any pills or medicine; and Mr. Palmer immediately proposes that he shall take the same pills that he took the night before. He says to Mr. Jones, "Do not tell him the contents, because he has a strong objection to them." It is arranged to have the pills made up; he does not wait to have the pills sent by Dr. Bamford, though it was early in the evening, but he accompanies Dr. Bamford down to his surgery. I cannot for the life of me understand why Dr. Bamford should have made up those pills at all. The prisoner had a surgery of his own close by, and he could have made up the pills in two minutes, he knew perfectly well their contents; instead of which he goes down with Dr. Bamford to his surgery. One would have supposed it would have been quite enough, as he was the person who every night administered the pills to Cook, if Dr. Bamford put the pills in a box and handed them over to Mr. Palmer, who knew what was to be done with them, instead of which Mr. Palmer asks Dr. Bamford to write the direction. He does write the direction, and then Mr. Palmer walks away with the pills. An interval occurs of an hour or two, during which time he had an abundant opportunity of going home to his surgery and doing what he pleased in the way of substituting other pills. He comes back, and before he gives the pills he takes care to call the attention of Mr. Jones, who was present, to the remarkable hand-writing of the old gentleman, Dr. Bamford, as being worthy of attention in a man of his advanced age. What necessity was there for all that? Was not it, think you, part of a scheme, that in case there should afterwards be any question as to the cause of this man's death, or the possibility of his having had poison administered to him, he should be able to say to Mr. Jones, "Why, you know they were Dr. Bamford's pills. You were present at the bedside of the deceased, you saw that I administered nothing except pills, and you must be clear they were Dr. Bamford's pills. Did not I show you the address written, and call your attention to the excellence of the hand-writing?" Who knows but all that prevented the possibility of suspicion being excited and presenting itself to the mind of Mr. Jones.

Now any one of those circumstances in itself would not be such as I could venture to submit to you as conclusive of the prisoner's guilt, but I ask your attention to a series of things following one upon the other, which, at the same time, are of a most remarkable character, and, taken as a whole, lead but to one conclusion. The death having taken place (I am passing over for a moment other circumstances which have no reference to the immediate cause of death, I shall come back to them in another part of the case), we find the father-in-law comes down to Rugeley upon the Friday. Let us see what the conduct of the prisoner is then. The father-in-law applies to him for information on the subject of his stepson's affairs. I pass that over, because that, too, will come under a different head; but having done so, and it appearing from the representation which the father-in-law made that the man had died in comparative poverty, something is said about his being buried. "Well," says Mr. Stevens, "rich or poor, poor fellow, he must be buried." Mr. Palmer immediately says, "If that is all, I will bury him myself." "No," says the stepfather, and the brother interposes. Mr. Stevens says, "No, I am his stepfather and his executor, and it is my place to bury him." Well, there is nothing in all that. Palmer may have said, with regard to his friend, that he would see the last respect paid to his memory. But there is this remarkable thing, when the stepfather says that nobody shall bury him but himself, and makes the observation that perhaps it will be inconvenient to the people at the inn to have him lying there for two or three days, because he intended to have him buried in town, so that the poor man might lie in the same grave with his mother—immediately after this Palmer says, "There will be no harm in that, he can stay as long as you like; but the body ought to be put in a coffin immediately." After that Mr. Stevens gets into conversation with Dr. Bamford about his son-in-law, and while they are in conversation Mr. Palmer slips away, goes out into the town, and comes back in about half an hour, when Mr. Stevens asks him for the name of some undertaker, in order that he may go and give the undertaker directions about the funeral, and he finds to his surprise that Mr. Palmer has gone out, and has himself, without any authority, ordered a shell and a strong oak coffin, in order that the body may be immediately put away. This, again, is a circumstance not unworthy of consideration. Why should he interfere and meddle in a matter which did not concern him, and which it was the business and province of another man to attend to,



except this, that he had made up his mind that that body should be consigned to its last resting-place and removed from the sight of man with as much rapidity as circumstances would permit of? You have heard what took place in the course of conversation upon the subject of the betting-book. I pass that by for the present.

I now come to Saturday, when, returning from London, Mr. Stevens and Mr. Palmer met in the railway train, and at the different stations when the train stopped had conversations with one another; and it appeared at that time Mr. Stevens had fully made up his mind to have the body examined: there were circumstances which had engendered suspicion in his mind; he had seen the attitude of the corpse; he had seen the clenched hands; and, being a man of sagacity and shrewdness, upon putting things together, there was a lurking suspicion in his mind that he could not overcome, and he was determined that he would be satisfied, and he made known his intention of having the body examined before it was consigned to the grave. It is due to Mr. Palmer to say that he did not flinch from the trying ordeal of Mr. Stevens's scrutinizing glance when he mentioned the subject of post-mortem examination; he makes no objection to the post-mortem examination; he is anxious to know who shall perform it, but Mr. Stevens will not inform him of the fact. It is to take place, and it is appointed to take place on the Monday. On the Sunday we have that remarkable conversation to which Newton speaks, and which has been in the possession of the Crown (it is not, like the other part of his evidence, brought forward at the last moment) and in the possession of my learned friend. It is true he did not state it before the coroner, but the explanation is extremely easy. Before the coroner, Roberts was the man who came forward to prove the purchase of strychnia, and vouched Newton being there. Newton was immediately fetched, and his deposition will be found immediately following that of Roberts; not for the purpose of giving a general statement, but for the purpose of corroborating Roberts, which he does. Hence it came to pass, in answering only the questions which were put to him by the coroner, nothing was said upon the subject of that Sunday's conversation, but it was given immediately afterwards to the Crown.

I think you will not believe that Newton comes forward for the purpose of making a false representation as to this conversation. What was the conversation? He is sent for by Mr. Palmer to his house, and he is treated with a glass of brandy-and-water, and when he has a glass of brandy-and-water they get into general conversation, and then, I think, the prisoner says, "How much strychnine would you give if you wanted to kill a dog? Why, I should give from half a grain to a grain. Would you expect to find any appearances in the stomach after death? No; inflammation or erosion, but no appearances." Upon which a sort of half-uttered ejaculation comes from the prisoner, "That is all right," and a sort of action of the hands. Was that entirely an invention? Was nothing said about a dog? Was nothing said about strychnia? Now it may have proceeded from two causes, if you believe the conversation. It may have been that the prisoner was in a state of great anxiety when he found this post-mortem examination was to take place, and he was anxious to know whether the views of another medical man confirmed his own with regard to the appearances in the body after death, where death had been occasioned by strychnia. It may have been that he meditated some trickery, some jugglery, that involved the real destruction of a dog, which may have given rise to those questions which were suggested on the part of the defence to one of the witnesses who were called; it may have been that something was in contemplation to destroy or attempt to destroy a dog, to account for the purchase of the strychnia, which he knew was likely to be brought up in evidence against him, and which it would be a difficult matter to explain. Whether any such attempt was afterwards made I know not; I imagined that we were going to have some evidence to that effect, from the questions that were asked, but no such evidence has been afforded—not the slightest as to what purpose this quantity of strychnia has been applied. It has not been found upon the prisoner's premises. What has become of it? I cannot solve precisely the secret of that conversation. Like many other matters in this case, it remains a mystery; but this I know, I can look at it in no aspect in which it does not reflect light upon the guilt in which this transaction is involved; if you can solve the difficulty, for heaven's sake do, but I can suggest to you no solution. From that man, Newton, then, he got his strychnia on the Monday night, and for that man he sends on the Sunday. With that man he holds a conversation—was it with the view of leading Newton to believe that it was for the purpose of killing a dog he had got it? These are speculations and surmises, into which I do not deem it necessary further to go. It will be for you to say whether you can entertain any doubt upon all these facts, when they are before you, that this death was occasioned by strychnia, and that that strychnia was administered by the prisoner, either from what he obtained upon the Monday night, or from that which, beyond the possibility of question, he obtained upon the Tuesday,

for which he has failed to account, and for which indeed he has not attempted to account.

But then my learned friend says that the man had no motive to take away the life of his friend, and it is right we should see how that matter stands. Gentlemen, if indeed I have satisfied you, beyond the reach of reasonable doubt, by the evidence I have adduced, and by the failure on the part of the evidence for the defence to neutralise its effect, that the death here was occasioned by strychnia—that the strychnia could have been administered by no one, and in fact was administered by no one, save Mr. Palmer—the question of motive becomes a matter of secondary consideration. It is often difficult to dive into the breasts of men, to understand the motives that have been working there, and by those motives to account for their actions. Omniscience alone can exercise that faculty and that power; and therefore, where acts are proved against a man beyond the reach of reasonable doubt, it is not because we may not be able to exercise a sufficiently scrutinising power to ascertain the motives, that we are to doubt the facts, the existence of which is brought beyond the reach of reasonable doubt; but nevertheless it is always an important element in a case, and it is above all an important element in a case upon which any reasonable doubt can by possibility rest, to see whether there was an adequate motive to lead to the perpetration of the act which is charged. On the other hand, gentlemen, we must not be too precise in weighing the question of the adequacy of motive; that which, to the good, would appear of no influence, however remote or minute, in inducing them to commit crime, oftentimes, with the wicked, is quite sufficient to impel them into crime, and it may have been so here.

But let us see, before I make any further observations upon that point, how the matter stands upon the proof which is before us. I told you that Mr. Palmer was a man in circumstances of the direst embarrassment, with ruin actually staring him in the face, and that nothing could avert that ruin save pecuniary means at once obtained for his purpose. The proof which I have offered to you has fully come up to the proposition with which I started. The fact has been proved beyond the possibility of doubt. It appears that in the month of November, 1855, Mr. Palmer was in this position. He owed upon bills, all of which were forged, the sum of 19,000*l.*; he had bills to the amount of 12,500*l.* standing in the hands of Mr. Pratt; he had bills to the amount of 6500*l.* standing in the hands of Mr. Wright; and he had a bill for 2000*l.* in the hands of Mr. Padwick. Although it is true that 1000*l.* upon that account had been paid off to Mr. Pratt, yet the bills still remained for the full amount in Mr. Pratt's hands. Although 1000*l.* had been paid to Mr. Padwick, he held a warrant of attorney and a bill of sale upon the stud for the remaining 1000*l.* All those bills, without exception, were forgeries. A correspondence took place between Mr. Pratt and himself with regard to the 13,000*l.* policy upon his brother's death, through which he hoped to liquidate Mr. Pratt's demand; he had been disappointed of that money, and upon the office declining to pay the money, as early as the middle of October, Mr. Pratt gave him to understand, in the most distinct and positive terms, that the bills must be met. Bills for 4000*l.* were due, or were coming due, at the end of that month: one upon the 25th for 2000*l.*, and another upon the 27th for 2000*l.* Bills already renewed were coming due from month to month, and there was 5500*l.* which it was necessary immediately to provide for. Mr. Pratt gave him notice that he could give him no longer delay, inasmuch as the office had resolved to dispute this policy. It was no longer an existing valid security, and consequently Mr. Pratt could not be a party to representing to his clients, with whose money those bills had been discounted, that it was in any respect a valid security, therefore the bills must be met.

The matter was coming to a crisis; the bills must be paid at maturity; he sends him up three small sums, first a sum of 300*l.*, and then two sums of 250*l.* each, making the sum of 800*l.* Of that sum 200*l.* was to come off other bills to fall due in January, leaving only 600*l.* applicable to the principal. He is told at once that he must do a great deal more; he is told, late in October, that unless he does a great deal more writs will be issued against his mother and against himself, which would at once bring the matter to a termination by showing that those bills were forgeries. He entreats that time shall be given; he obtains this concession from Mr. Pratt, that the writs shall not be served until a given day, and he in the interval must make further payments on account of the principal bill due. That being the state of things upon the 13th, Mr. Pratt writes and presses him for further payment. On that day Polestar won. Cook was, as you have heard, in an ecstasy of delight, feeling that his difficulties were, at all events for a time, removed; that he should now get through the winter and live happily till the next racing season. He little thought what was about to take place. If this accusation is well founded, the mare winning, and his being entitled to a large sum of money, was the most fatal thing that could have befallen him. Alas! how great is the shortsightedness of mortal man! When we have the highest cause of joy



and exultation, often while the sunshine of our prosperity warms and gladdens our heart for a moment, there is lurking beneath our feet a fatal abyss, into which we are about to fall. This poor man, if this charge be true, might have been living now, had it not been that upon that fatal day his mare won, and he became entitled to a large sum of money, which afforded temptation to his murderer.

Now it becomes perfectly clear that at this moment matters were approaching to an immediate crisis. What was Mr. Palmer to do? He had no source to which to turn for money. It is clear that he could not go to his mother. I presume that source had long since been exhausted, or he would not have forged her name. What was he to do if he could not get money to satisfy Pratt's demand? You know, although a money-lender is considerate and indulgent enough as long as he is certain of his payment, and gets his heavy usurious interest paid down to the nail, if he once becomes doubtful of the security, and uncertain of payment, you may as well ask mercy of a rabid tiger, or you may as well ask pity of stoues, as hope to find bowels of compassion in him. Pratt gave him fair warning that the money must be paid, or something must be paid by way of instalment on the principal, and to keep the interest down. Where was Mr. Palmer to get money from? My learned friend says Cook was his best friend, and that Cook was the man he was to look to; and that as long as he kept Cook alive he had a friend in need to whom he could resort for assistance. In what way? Was Cook to give acceptances to Pratt? Is anybody weak enough to suppose that Pratt would have taken Cook's acceptances to keep those bills alive, unless there was a part payment of the principal and interest? It is quite clear that he would not. When even for the sum of 500*l.* he was asked to take Cook's security, he refused to do so, unless there was the collateral security of an assignment of his horses. Cook had assigned to him all the property he possessed. All that Cook had in the world was his winnings upon that day's race at Shrewsbury, and what little money he may have obtained by his winnings at the races at Worcester. If you believe the witness Myatt, those winnings were exhausted, and therefore this man had nothing except his winnings at the Shrewsbury races; and you are asked by my learned friend to believe that it would have been of use to Palmer to keep this man alive; the reverse is proved by the evidence. With Pratt his personal security would have been unavailing. Pratt tells you that he would not take anything from him unless it was the real security of an assignment of his horses or other property. Just see the interest which Palmer had in securing all Cook's effects. My learned friend says they were mixed up together in transactions in which they had a joint and common interest—they were confederates upon the turf, and had joint bets together. Yes; but one man putting another on does not mean that when A. puts B. on and says we are likely to make a good thing, and we will share it, that B. is to pay A.'s losings if they do not win. They might be confederates on the turf, but that did not make Cook responsible for Palmer's liabilities. Does any one suppose that Cook intended to find the means to enable Palmer to meet Pratt's insatiable demands, to stave off the difficulties in that quarter? Was Cook to deprive himself of his winnings, and leave himself without money, for the benefit of his friend? That is the proposition, for the whole of which my learned friend must contend before you before he can establish anything like a case to show that if Cook had lived it would have been better for Palmer than that he should die. My learned friend says there is proof that they were mixed up closely together to be found in this, that Cook writes to his agent Fisher and says to Fisher, writing on the Friday after he had dined with Palmer, "There is a matter which is of importance to Palmer and to me, that 500*l.* should be paid to Mr. Pratt to-morrow; 300*l.* has been sent down to-night, and I request you will be so good as to pay Mr. Pratt 200*l.* to-morrow on my account, and charge it to me." My learned friend thought that that transaction would be favourable to his client, and he put it prominently forward. To my mind he could have adduced nothing more fatal. The explanation of it is to me as clear as the sun at noonday. Cook had brought with him some 600*l.* or 700*l.*; at least at Shrewsbury he was seen by Fisher with a roll of notes amounting to some 700*l.* or 800*l.* On that same evening the parties come to Rugeley, when he had not had time to spend the money. He speaks of a 500*l.* transaction, in which he and Palmer have a joint interest. There is only that one transaction with Pratt in which they had a common interest, that was the 500*l.* raised by the assignment of Polestar, and a bill, of which we say Cook never got the proceeds; and he says, writing on that night to Fisher, "300*l.* have been sent up to-night, and I will be obliged to you to pay the other 200*l.* to make up the whole." No 300*l.* were ever sent up that night. Mr. Pratt has given an account of the whole transaction. 300*l.* were to be sent that night; by whom were they to be sent? Can you doubt? Where is all Cook's money gone? I can quite understand that he handed over 300*l.* to Palmer to send up to Pratt, and directed Fisher to pay another 200*l.* What followed in respect to the joint transaction? What was the joint

transaction? they never had but one, and that was for 500*l*. What was it? Why, it was the money which had been got by the assignment of Polestar and Sirius; Polestar had just won at Shrewsbury—it was natural that the man should desire to redeem his mare; moreover the bill was coming due; he had the cash in his pocket, and he knew that he was going to receive money at Tattersall's, which he never did; and he says, "300*l*. will be sent up to-night." It is the only matter in which they have a common interest, not only as to the 500*l*., but in any respect; Pratt had no other dealing whatever with them jointly or with Cook, if we except the bill for 500*l*.: what does it show? It shows that 300*l*. had been sent for the purpose—he sends up 300*l*., but how is it applied? Pause for a moment; the 300*l*. is not sent up, Palmer keeps it in his pocket; what is done with the other 200*l*? is it carried to the account of the matter in which they had joint interest with Pratt? no such thing; it goes as part of the payment made by Palmer to Pratt on account of the bills which Pratt then held—it never went to any matter of joint interest—it is an idle and false pretence to say that Cook was in any way responsible to Pratt; it may have been the intention of Palmer when Cook should be no more to represent him as so, but there is no foundation in reality and in fact for the statement. I say the transaction of the 500*l*., so far from helping the prisoner's ease, shows conclusively that the 200*l*. advanced by Fisher, and the 300*l*. to be sent up that night to satisfy this bill for 500*l*., and the assignment to release Polestar and Sirius, was 500*l*. more taken from this young man and appropriated by the prisoner to his own use.

But the matter does not rest there—would it did. I come now to the transaction of the Monday, and I find 1020*l*. of Cook's money applied to the prisoner's use. He goes up to London; he had ascertained by some means or other the amount that Cook was entitled to receive on the Monday—possibly Cook had told him; Fisher was Cook's agent, and the probability is that Cook desired the prisoner to hand an account of his bets which he had won to Fisher, who would go and settle with the parties at Tattersall's; Fisher would have to pay himself back the 200*l*.; we know that he intended his accounts should pass through Fisher, because he asked Fisher to advance the 200*l*. upon the credit of it; but it is suggested that under the guidance of Palmer he now meditated a fraud, and that he intended to pass his account through Mr. Herring, in order to avoid paying Fisher the 200*l*. for a time. Is it charitable to Mr. Cook to ascribe to him a fraud of this description, which, so far as we know, he was not in the habit of doing? I ask you this question as reasonable men, supposing he had disposed of his ready money, and we find none left—that he had given the prisoner 300*l*. to send up, you cannot suppose that this man who had nothing of his fortune left, who sees ruin staring him in the face—he was not a ruined man as long as he had this money, but having parted with this money he was a ruined man—you cannot suppose that he intended to deprive himself of the whole of the money that he had won, to leave himself destitute and naked for the coming winter; the thing is out of the question: besides, if the prisoner's representation is true which he made to Mr. Cheshire, that he had got the genuine cheque of this man for very nearly the amount, through his agents Messrs. Wetherby, of the stakes at Shrewsbury, you are asked to believe on the one hand that he had given him his ready money, and on the other hand that he had given him a cheque to receive of Messrs. Wetherby, and that he had given him 1020*l*. which constituted absolutely the whole that the poor man possessed—you are asked to believe that he hands it over to the prisoner to go and dispose of as he pleases: that is my learned friend's proposition, but I do not think you will adopt it.

Then if that be not so, what does the prisoner do? "He goes to London, but does not go to Fisher, who was the agent of Cook, who would in the first place have paid himself back the 200*l*., and in the second place would not have paid the sums which he received except upon Cook's authority and instruction, but would have sent the money to Cook, or have paid it upon Cook's written direction as to what was to be done with it. He takes the account, therefore, to a comparative stranger, who never had acted for Mr. Cook before, feeling that that stranger would have no hesitation or repugnance in paying the money according to the direction of the man from whom he had the direction to receive it, supposing that both emanated from Mr. Cook, the person interested in the money. Accordingly he says to Mr. Herring, "Here is a list of bets which Cook will be entitled to be paid at Tattersall's; they are so much, you dispose of it in this way; pay yourself 200*l*.;" it being the fact that Mr. Cook and the prisoner had before raised the sum, I think, of 600*l*.; 200*l*. had been raised by Mr. Cook on his acceptance, and 400*l*. had been raised on the acceptance of the prisoner. Mr. Cook's portion had been paid off, but that of the prisoner remained unpaid. Palmer says to Mr. Herring, "Pay yourself 200*l*., then go to Pratt's and pay him 450*l*.; then go to Padwick and pay him 350*l*." Now, it is perfectly clear that the 450*l*. was a debt due from Palmer to Pratt, and it is untrue that Cook had anything to do with it. The debt of 350*l*. to Padwick was for some bet, and



although it is not proved, I have reason to believe that the minor part of it was a debt of Cook's, but the larger part was a debt of Palmer's upon a matter in which they stood in together. There is evidence that Mr. Palmer treated the debt due to Padwick as his. He says, "I will pay you my bet of 350*l.* at such a time." I am giving him credit for what I believe was the fact, that a part of it was Cook's. Why was Cook's debt paid then? There was a warrant-of-attorney in the hands of Mr. Padwick, and Mr. Padwick was getting impatient for his 1000*l.*, and if this bet had not been paid to Mr. Padwick, Mr. Padwick would have resented the non-payment of the debt of honour which he had no means of enforcing, and would have come down upon Mr. Palmer, no doubt, at a very early period in respect of the 1000*l.* due upon the bill dishonoured twelve months before. Exactly that came to pass: in consequence of Mr. Herring not receiving the whole of the money, he was not able to pay Mr. Padwick, and the result was that Mr. Padwick put the process of the law in motion against the prisoner on that bill, and brought an action against his mother. The bill for 1000*l.* was the bill of Mr. Palmer, upon which Mr. Cook was not primarily liable. I say here was a distinct interest which the prisoner had to appropriate this money to himself, because it was the means for the moment, and the only means he could resort to, of staving off the evil hour which was rapidly approaching. The degree of difficulty in which he was placed must not be measured simply by the amount of his pecuniary liabilities. It was not merely that he had these large bills upon which at any moment process might be issued, but he had made his mother answerable for those bills, and the moment the first of them was put in motion in the Courts the fraud and forgery would come to light, and he would be exposed not merely to the consequences of his inability to pay his debts, but to the consequences of the law which he had violated. The former might have been got rid of in the Insolvent Court or the Bankruptcy Court, but the crime of forgery could not have been got rid of; for that he would have to answer at the bar of a court of criminal justice, and would have incurred the penalty of transportation, or of penal servitude in an aggravated form. But there is a further sum besides the 1000*l.*; he appropriated a further sum of 350*l.*, which was to be got from Messrs. Wetherby's. It is said that he got a genuine cheque from Cook to entitle him to receive that money, but it is not for a moment suggested what indeed Cook to give it to him. Was it a genuine cheque? That matter might have been solved by its production. It is not produced; yet it is quite clear that it was returned to the prisoner's hands by Messrs. Wetherby when they could not get the money. It is quite clear that it was of great importance to him to get the money, because there was 100*l.* to be paid to Pratt, which must be paid in order to stave off the evil day upon the bill of 1500*l.* which was due on the 9th of November. Where is that cheque? If it had been produced we could have seen whether it was a genuine cheque or not. It is not forthcoming. What are the circumstances under which he presents that cheque to Mr. Cheshire? He goes to Mr. Cheshire upon the Tuesday, and, having shown the cheque to Mr. Cheshire, he asks Mr. Cheshire to be so good as to fill up the body of it. I suppose he saw some manifestation of surprise in Mr. Cheshire, and he said, "Cook, poor fellow, is ill, and I am apprehensive if I fill up the body of the cheque Wetherbys will know my handwriting." Why should not they know his handwriting? What objection was there, if the cheque was genuine, and if the transaction was an honest one, to Messrs. Wetherby's knowing that the handwriting was his? Does not it pretty plainly indicate that there was some fraud going on which he was afraid might be detected? Why, in Heaven's name, should he send for Cheshire? He had to send for Cheshire from the post-office when Cheshire was busily engaged in the business of the evening, at seven o'clock in the evening. Just about that same period, a little before or a little after, as the case may be, he had to meet Dr. Bamford and Mr. Jones in consultation as to Cook's case. Mr. Jones was his intimate friend—the trusty friend that came over that afternoon. If poor Cook intended to give him the cheque, and was at the same time so ill that he could not write, why not have said to Mr. Jones, "Jones, I do not want to bother Cook to fill up this cheque, fill it up in my favour for 350*l.*, and we will get Cook to sign it." Why should he send to the post-office to get Cheshire down to his house, alleging at the time that he was apprehensive that if he filled it up his own handwriting might be known. Does not that transaction bear fraud upon the face of it? On the other hand, it may be a genuine cheque; but, I ask again, where is it? Between the time when these matters were called in question and the time when Mr. Palmer was finally arrested, not upon the criminal but upon the civil process, which came down unlooked for him before the coroner's inquest, which secured his bodily presence to answer not only the pecuniary matters but these charges, in the interval he had undisturbed possession of his own papers. From the moment when that freedom of action and possession ceased, we have traced the possession of the papers; and it is clear that at the time those papers were taken possession of, that cheque was

not amongst them; it is clear that the prisoner, who had possession of it, must have dealt with it in some manner. What has become of it? Why is it not produced? Can you help drawing the inference from its non-production that there is something in the transaction that will not bear the light? It is clear that he intended to get possession of the 350*l.*, which ought to have been given to Cook, upon false pretences. He had not a farthing himself, for when he went to Shrewsbury races he borrowed 25*l.* As I have shown, a person made a bet for him upon the races, and, having won 200*l.*, pressed him for the debt, but could not get another shilling from him. I show you that he comes back to Rugeley, and is from that moment in the possession of money. Where could he have got that money? It is clear that he must have got it from Cook, who had not any left himself; it is clear that he had all that money to the extent of 350*l.*, probably much more, and besides that he gets 1020*l.* as the proceeds of the betting at Tattersall's, and he attempts to get, but does not get, 375*l.*, which ought to have been paid into Messrs. Wetherby's hands. This was the whole of the worldly possessions, the whole sum of the wealth of this poor young man.

But he is not satisfied with that—it is clear that he meditated another fraud of a different description. On the Friday, almost as soon as the breath is out of the man's body, he intimates that he has a claim upon him for 3000*l.* or 4000*l.* in respect of bills which had his (Palmer's) name or acceptance upon them, but which in fact had been negotiated for Cook's purposes. He tells the same story to the father-in-law, but it is as clear as the sun at noon-day that he endeavoured to fabricate an instrument to give a show of colour to those representations. He goes on the Thursday or the Friday to Mr. Cheshire, and brings to him a document which he asks him to attest, that document bearing the signature "J. P. Cook." The man having left the body, and living only in the spirit, eight-and-forty hours before that signature had been brought to be attested, who can fail to see that there was some great fraud and design meditated? What was the document? It was a document which purported to be an acknowledgment from Cook that certain large bills which had been negotiated were for Cook's benefit, and for Cook's benefit alone, and that he (Palmer) had had no part of the proceeds. Now there are no such bills in existence. We have exhausted the bills pretty well, I think, and none such are proved to exist; but if there be any such bills in existence, who would know it better than the prisoner at the bar; he could have no difficulty in satisfying you of the fact, and of removing this great stumblingblock in the way of his defence; but he produces this document; and on the same day, the day that followed this poor man's death, he writes to Pratt, and says, "Mind, I must have Polestar if it can be arranged." What was this scheme? Having got every shilling of the man's money, his purpose was to secure the little property that remained in Polestar, the value of which he may perhaps to himself have considerably exaggerated. The mare had just won, and she might be supposed to be worth more than she had been, or he had in view speculating at other races to bring about results of benefit to himself. Further, he may have intended to pay out of Cook's estate some of those bills, under the pretence that Cook had had the money for them. For all these purposes, from the beginning to the end, it was necessary that Cook should be put on one side. Then with this document in his hand he goes to Cheshire, and he asks Cheshire to attest the signature of a man who was then dead. If Cheshire had had the weakness and wickedness to comply he would have had him in his power; and the next thing would have been, that he would have brought him trembling and reluctant into the witness-box of some court of justice to swear to the fact that he had seen the dead man put his signature to that piece of paper. But it may be suggested that after all the document was a genuine one, and that the signature was not a forgery. Then produce it and we can judge. Here again I point out, and there is no escape from it, that the papers of the prisoner were in his possession till the time of his arrest, and they have been taken care of since then, and are here one and all, either to be answered for or produced in this presence, or they have been handed over to his brother. Who would not fail to notice that this paper has never been found or asked for? Who can doubt that that paper brought to Cheshire remained in the possession of the prisoner? Who can doubt that it is either destroyed or is purposely withheld? Under these circumstances who can doubt that in it is to be found proof of some meditated act—of some vast design of a fraudulent and flagitious character, for the full completion of which the death of Cook was a necessary thing?

Now, gentlemen, I have gone through that part of the case which relates to the motives of the prisoner, and it will be for you to say whether you are satisfied that this was a death by strychnia—that the prisoner was in possession of strychnia—that he had access to the dead man's bedside, and that he administered pills to him at a period short enough to be capable of being connected with the catastrophe that afterwards happened; and it will be for you to say whether you do not find that the state of things



with reference to pecuniary matters to which I have been just alluding is sufficient to account for the act which is ascribed to the prisoner.

But there is another part of his conduct as throwing light upon this matter to which I cannot fail to refer. What has become of Cook's betting-book? What has been the conduct and the language of the prisoner with reference to it? On the night when Cook died, 'ere the breath had hardly passed from that poor man's body, the prisoner at the bar was rummaging his pockets and searching under his pillow. That may have been for a perfectly legitimate purpose. But let us see what takes place. He calls to Mr. Jones and he tells Mr. Jones that it is his duty, as the nearest friend of the dead man, to take possession of his effects, and Mr. Jones does take possession of his watch, and afterwards, at the suggestion of the prisoner, of his rings. At the same time Mr. Jones asks for the betting-book. My learned friend endeavoured to explain away this most awkward part of the case, by saying, "There were other persons who had access to the place. The undertaker came there with his men, the women came to lay out the dead body, and the servants were there; any one of those might have stolen the book." But all this is met by the fact that, on that same night, before the women had had anything to do in the room—before they came to lay out the corpse—before anybody made their appearance—that very night, when Mr. Jones is seeking to gather up the effects of the dead man, he asks for the book. What is the answer? "Oh," says Palmer, adopting the language which he afterwards repeated, "the betting-book will be of no use to any one." Does anybody doubt in his own mind where that betting-book had gone to? The father-in-law came down on the Friday, and he begins to discourse about the affair, and he is not satisfied with the answers he gets. The day passes away. He says to Mr. Jones, "Be so good as to collect my son-in-law's betting-book and papers and bring them away." Mr. Jones goes up stairs; he is immediately followed by the prisoner: up they go, but there is no betting-book to be found. Down comes Mr. Jones and says to Mr. Stevens, "We cannot find the betting-book." "Not find the betting-book! surely you must be mistaken:" and, turning round, he says, "Why, Mr. Palmer, how is this?" Upon which Mr. Palmer says, "Oh, the betting-book is of no use." "None! I am the best judge of that. I think it will be of a good deal of use." The observation is again repeated, "It is of no use." Mr. Stevens said, "Why?" "Because a dead man's bets are void, and because he received the money himself upon the course at Shrewsbury." A dead man's bets are void! Yes, that is true; they are void, but not when they have been received in his lifetime. Who received the dead man's bets? The prisoner at the bar. Who appropriated the proceeds of the dead man's bets? The prisoner at the bar. Who was answerable for them? The prisoner at the bar. Who had an interest in concealing the fact that he had received them? He had. What was the best mode of doing it? The destruction of the betting-book. What was the best mode of alming the determination of the man who was the executor of the dead man, when he wanted to know what he was entitled to receive and what he had received, and to see the record of his pecuniary transactions? Why, to tell him that the record, even if found, would be of no use, for a dead man was not entitled to any bets, he having died before they were received; yet at that very moment he had received the proceeds of the bets which he was representing as void, and was applying the proceeds to his own purpose. Does not that throw light upon the real nature of the transaction? What possible motive could he have for representing that the bets were void, having himself received them, unless he knew that he had received them fraudulently and wrongfully? See what would have taken place if the truth had come out. Mr. Stevens, if he had seen that book, would have seen that his step-son was entitled to receive 1020*l*. He would have inquired who was his agent, to see whether by possibility those debts could be realised; he would have learned what everybody knew, at least that portion of the trifles with whom Cook was in the habit of communicating, that Fisher was his agent. Fisher would have told him, "I ought to have received the money to repay myself 200*l*., but Mr. Herring received the money." He would have gone to Mr. Herring, and he would have found that every shilling of the money found its way into the prisoner's pocket, and was appropriated to his own purposes. How was all this to be done? By the removal of Cook, and then by the destruction of the only record which could have afforded to his representative, who was entitled to stand in his place and realise his pecuniary rights, the information of the money having been received by a wrong-doer, by a man who had no right to it. Gentlemen, I submit these things to your consideration, but I submit them to you as leading unhappily but to one conclusion, and that the conclusion of the prisoner's guilt.

But, gentlemen, the matter does not even rest here; there is more of the prisoner's conduct yet to be commented upon, on which I must say a few words before I conclude: Mr. Stevens determined upon having a post-mortem examination. Let us watch the

conduct of the prisoner in respect of that most important part of the history of this case. Dr. Harland comes over to perform this most important office; the prisoner is on the watch to see who comes; he meets him as he alights at the inn; he accompanies him to Dr. Bamford's; they get into conversation about this death, and Dr. Harland says, naturally enough, speaking to a brother medical man whom he supposed had been attendant upon the patient, "What is this case? I hear there is a suspicion of poisoning." "Oh no," says Palmer, "not at all; no suspicion of poisoning; the man had two epileptic fits upon the Monday and Tuesday, and you will find old disease, both of the head and of the heart." Well, there was no disease found of the head nor of the heart, unless that very wise gentleman, whom I should have liked to have asked a few questions of to-day, was right about his story of angina pectoris, which I doubt was ever accompanied by tetanic symptoms in this world, or that any other man in the universe would declare that it was. "You will find disease of the head and the heart." They opened him, and found neither. He said, "He had two epileptic fits on the Monday and Tuesday." That very same man the day before had gone to Dr. Bamford, and asked Dr. Bamford to fill up the certificate, and Dr. Bamford said naturally enough, "He is your patient, not mine; I have only attended him at your request." "No, I would rather you did." He gets Dr. Bamford to fill in "apoplexy;" the next day he tells Dr. Harland that it is a case of epilepsy. This is not an ordinary individual, but a medical man possessing full knowledge and information with regard to medical matters: however, the post-mortem examination took place; before they go to it there is some conversation with Newton which I will not again more particularly refer to; it is not satisfactory, nor does it show the state of mind in which you would expect to find a man whose friend had just died, from the way in which he speaks of the examination about to take place. Let us come to the examination itself. The stomach and its contents are, as we understood, removed; there is some story about his having pushed against the parties who were performing the examination; I think that is carrying the matter too far; it may have been an accident, and we will look at it in that light; at last the stomach, we say without its contents, and a portion of the intestines, are put into a jar, and the jar is fastened with a parchment covering doubled over it: it is tied and sealed, and then it is placed upon a table while the post-mortem examination, with reference to other parts of the body, is made. Dr. Harland has this done; when Dr. Harland turns round, he finds the jar removed; he immediately makes an outcry, and then at the other end of a long room, and at a door which was not the proper entrance, but a door which led into a different apartment, which apartment led into the passage, the prisoner was found with the jar in his hand, and when Dr. Harland exclaims, he says, "I thought it would have been more convenient to you when you were going out." That might have been his motive, though it was an awkward circumstance that the jar containing the stomach should be in the hands of the man against whom there rested a suspicion of having deprived the deceased of life by unfair means. That is not all; two slits were found in the parchment cover when it was tied and sealed up; who could have made them except the prisoner? What did he do it for? There again we are lost in conjecture, but the only conclusion at which we can arrive is against the honesty of the purpose and the integrity of the transaction; whether it may have been for the purpose of introducing something which might be capable of neutralising the poison, I cannot tell you; all I know is the fact, and it is a fact of very significant importance in the consideration of the case.

It does not end there: we find that he is restless and uneasy as to what is going to be done with the jar, and objects to its being taken away; he remonstrates with Dr. Bamford at letting it go away, as if Dr. Bamford had any interest in the matter, and as if any one would suspect Dr. Bamford of having had any hand in the taking off of this poor man. The jar is taken away, and then that occurred which must have made a painful impression upon all who heard it in this court—there comes the story of his going to the postboy, and asking him to upset the carriage which was conveying those who had possession of the jar to Stafford or London, for the purpose of its contents being analysed. My learned friend sought to give a comparatively innocent complexion to this transaction; he says that this bribe of 10*l.* to upset the carriage arose simply out of resentment against the officious stepfather who had dared to interfere in this matter—to insist upon a searching investigation: he had been guilty, my learned friend says, in return for the civility, courtesy, and kindness with which he had been treated by the prisoner, of "prying, meddling, insolent curiosity." A man who had seen his poor stepson, to whom he was tenderly attached, lying dead under circumstances which raised in his mind a suspicion—and I think I am fully justified, at all events, whatever may be the result of this inquiry, in saying that the very inquiry we are now upon—the gravity and importance of it—at least fully justify Mr. Stevens in the suspicions which he



entertained for having insisted upon the inquiry, and that ought to have protected him against the suggestion of "insolent curiosity." It was known that Mr. Stevens insisted upon inquiry: was it a reasonable motive operating upon this man's mind that it should occasion such a sense of resentment and anger that he should desire the destruction or mutilation of this man, and offer 10*l.* to the postboy to upset him upon the road? I believe the other to have been the true version—if you upset him you may break the jar, and then the contents never could be found, and there would be no danger of strychnia being discovered.

But it does not stop even there; the inquiry takes place, and the post-mortem examination having been made, a Coroner's inquest is insisted upon and becomes inevitable, and then we have the prisoner seeking to tamper with the administration of a most important office; sending presents to the Coroner at the time the inquest was sitting; presents, unquestionably, of game and things of that description, and if the evidence does not very much mislead us a present of money also; for what purpose was all that done? We find him with uneasy restlessness, obtaining through Cheshire information of what is taking place between the professional man who was employed to analyse the contents of the stomach, and the attorney at Rugeley, who was instructed on behalf of Mr. Stevens; is that the conduct of innocence or of guilt? why should he be desirous of knowing whether strychnia above all other things should be found in the intestines of the deceased? Let me call your attention to the letter which he writes to the Coroner, "I am sorry to tell you that I am still confined to my bed; I do not think it was mentioned at the inquest yesterday that Cook was taken ill on Sunday, and on Monday night in the same way that he was on Tuesday night when he died; the chambermaid at the Crown Hotel can prove this; I believe a man of the name of Fisher is coming down to prove that he received some money at Shrewsbury; now, here he can only pay Smith 10*l.* out of 41*l.* he owed him." Does he tell what had become of the rest of the money that the man had at Shrewsbury? "Had you not better call Smith," that is Mr. Jeremiah Smith whom we saw here to-day, "to prove this." What a witness Jeremiah Smith would have been in the hands of the Coroner, Mr. Ward, the friendly Coroner of Staffordshire! "And again, whatever Professor Taylor may say to-morrow, he wrote from London last Tuesday night to Gardiner to say, we (that is Dr. Taylor and Dr. Rees) have this day finished our analysis, and find no traces of either strychnia, prussic acid, or opium; what can beat this from a man like Taylor, if he says what he has already said of Dr. Harland's evidence; mind you, I know it, I saw in black and white what Taylor said to Gardiner; but this is strictly private and confidential, but it is true. As regards his betting book, I know nothing of it, and it is of no good to any one;" the repetition of the same story; "I hope the verdict to-morrow will be that he died of natural causes, and thus end it;" but the verdict was not so, and it did not end it; and it is for you to say whether upon a review of the whole of this evidence you can come to any other conclusion than that of the prisoner's guilt. Look at his restless anxiety; it may possibly, it is true, be compatible with innocence, but I think on the other hand it must be admitted that it bears strongly the aspect of guilt; if it stood alone, I would not ask you upon that to come to a conclusion adverse to the prisoner, but it is one of a series of things small perhaps each individually in themselves, but taken as a whole, as I submit to you, leading irresistibly to the conclusion of the guilt of this man.

Now, gentlemen, the whole case is before you. It will be for you to determine it. You have, on the one hand, a man overwhelmed by a pressure almost unparalleled and unexampled, of pecuniary liabilities, which he is utterly unable to meet, involving the penalties of the law, which must bring disaster and ruin upon him. His only mode of averting those consequences is by obtaining money; and, under those circumstances, with a bad man, a small amount, if that amount will meet the exigencies of the moment and avert the impending catastrophe and ruin, will operate with immense power. Then you find that he has access to the bedside of the man whose death we are now inquiring into; that he has the means of administering poison to him, and you find that, within eight-and-forty hours, he has twice acquired possession of the very poison, the traces of which are found in the death, and after the death; and then you have the death itself in its terrible and revolting circumstances, all of which are characteristic only of death by that poison and of no other. You have then the fact, that, to the uttermost of his ability, he realizes the purpose for which it is suggested to you the death was accomplished. You have all those facts, and the undoubted and undisputed fact, that a subsidiary poison was also used, of which traces have been found in the man's body, although no traces may have been found, for the reasons and from the causes I have suggested, of the principal poison, whose possession by the prisoner we have traced, and whose presence we show in the symptoms which accompanied the death of the deceased. It is for you to take all those circumstances into your consideration.

Gentlemen, you have indeed had introduced into this case one other element which I own I think would have been better omitted. You have had from my learned friend the unusual, and I think I may say unprecedented, assurance of his conviction of his client's innocence.

*Mr. Serjeant Shee.*—Not unprecedented.

*The Attorney-General.*—I can only say I think it would have been better if my learned friend had abstained from so strange a declaration. What would he think of me if, imitating his example, I at this moment stated to you, upon my "honour," as he did, what is my internal conviction from a conscientious consideration of this case. The best reproof which I can administer to my learned friend is to abstain from imitating so dangerous an example. My learned friend in that address, of which we all admired the power and ability, also adopted a course sometimes resorted to by advocates, but which I cannot help thinking is more or less an insult to a jury, the endeavouring to intimidate them by the fear of their own consciences and the fear of the country's opinion from discharging firmly and honestly the great and solemn duty which you have to perform upon this occasion. My learned friend told you if your verdict should be Guilty, one day or other the innocence of the prisoner would be made manifest, and you would never cease to repent the verdict you had given. If my learned friend was sincere in that—and I know he was—there is no man in whom the spirit of truth and honour is more keenly alive—he said what he believed; but all I can say in answer is, that it shows how when a man enters with a bias upon his mind upon the consideration of a subject he is led into error; and when my learned friend said that he had entered upon this case with an unbiassed and an unprejudiced mind, who could have failed to feel that never in anything could he have been more deceived than in thinking that? For who that has to give his best energies to a defence upon such a charge as this would not shrink in his own mind from the conclusion that he was to advocate the cause of one who he believed to have been guilty of the foulest of all imaginable crimes? I say, therefore, I think my learned friend had better have abstained from making any observations which involved the assurance of his own conviction. I say further, I think he ought in justice and in consideration of you to have abstained from reminding you or telling you that the voice of the country would not sanction the verdict which you were about to give. I say nothing of the inconsistency which is involved in such a statement, coming from one who but a short hour before had complained in eloquent terms of the universal torrent of passion and prejudice by which he said his client was oppressed and borne down. Why, gentlemen, in answer to my learned friend, I have only to say, pay no regard to the voice of the country, whether it be for condemnation or acquittal; pay no regard to anything but the internal voice of your own consciences, and the sense of that duty to God and man which you are to discharge upon this occasion. Seek no reward except the comforting assurance when you shall look back to the events of this day, that you have discharged to the best of your ability and to the uttermost of your power the duty that it was yours to perform. If, upon a review of this whole case, comparing the evidence upon the one side and upon the other, and weighing it in the even scales of justice, you can come to a conclusion of the prisoner's innocence, or even entertain that fair and reasonable amount of doubt of which the accused is entitled to the benefit, in God's name acquit him. But if, on the other hand, all the facts and all the evidence lead your minds, with satisfaction to yourselves, to the conclusion of the prisoner's guilt, then, but then only, I ask for a verdict of guilty at your hands. For the protection of the good, and for the repression of the wicked, I ask for that verdict, by which alone, as it seems to me, the safety of society can be secured, and the demands, the imperious demands, of public justice can alone be satisfied.

*Lord CAMPBELL.*—Gentlemen of the jury, I am exceedingly sorry that for the ends of public justice the Court must now adjourn. I shall feel it my duty, in this lengthened and complicated case, to bring before you the whole of the evidence given upon the one side and upon the other, with such remarks as I shall feel it my duty to make for your observation. Therefore, however painful it may be, we must now adjourn. You must still be kept sequestered from the world, and you must meet me again at 10 o'clock on Monday morning.

*Adjourned to Monday morning at 10 o'clock.*



## ELEVENTH DAY'S TRIAL.

MAY 26, 1856.

Mr. *Serjeant Shee*.—My Lord, I have the permission of my learned friend to mention that there is a bill of exchange, dated Sept. 1855, for 500*l.*, drawn by Palmer and accepted by Cooke, which he will allow me to put in with your Lordship's permission. It is in the possession of the holder, a person of the name of Swindells.

Mr. *James*.—The fact that there is a bill for 500*l.* in the hands of a Mr. Swindells of such a date, and that that bill may be put in, we concede.

LORD CAMPBELL.—It may be put in when we arrive at the proper stage.

Mr. *Serjeant Shee*.—If your Lordship pleases, we will produce it in a few moments. The solicitor is not here at present.

Mr. BARON ALDERSON.—Hand it up to me, and I will put it in at the proper time. (*The bill was shortly afterwards produced and handed to the Court.*)

## CHARGE TO THE JURY.

LORD CAMPBELL.—Gentlemen of the jury, we have at length arrived at that stage of these solemn proceedings when it becomes my duty, as the chief judge presiding in this court, to explain to you the nature of the charge brought against the prisoner, and those questions and considerations upon which your verdict ought to be found. And, gentlemen, I must begin by conjuring you to banish from your minds all that you have heard with reference to these proceedings before entering into that box. There is no doubt that a strong prejudice elsewhere did prevail against the prisoner at the bar. In the county of Stafford, where the offence for which he has now to answer is alleged to have been committed, that prejudice was so strong that the Court of Queen's Bench made an order to remove the trial from that county. The prisoner, by his counsel, expressed a wish that the trial should take place in the Central Criminal Court. To enable that wish to be accomplished an Act has been passed by the Legislature authorizing the Court of Queen's Bench to direct the trial to take place in the Central Criminal Court, where it was believed and known that the trial would be fair and impartial. I must not only warn you, gentlemen, against being influenced by what you may have before heard, but I must likewise warn you—although I am sure it is an unnecessary caution, but one which it is my duty to offer—against being improperly influenced by the evidence that has been laid before you; because there has been evidence which certainly implicates the prisoner in transactions of a very discreditable nature. It appears that he had forged a great many bills of exchange, and that he had entered into transactions not of a reputable nature. These transactions, however, would have been excluded from your consideration altogether, had it not been necessary to bring them forward to assist you in arriving at your verdict. By the law and practice of some countries it is allowed, to raise a probability that the party accused has committed the offence which he has to answer, to show that he has committed other offences; with a view of showing that he is an immoral man, and not unlikely to commit other offences, whether of the same or of a different nature; but the law of England is different, and, presuming every man to be innocent until his guilt is established, it allows his guilt to be established only by evidence directly connected with the charge brought against him.

Gentlemen, it gives me great satisfaction to find that this case has been so fully laid before you. Everything has been done that could be accomplished for the purpose of assisting the jury in coming to a right conclusion. The prosecution has been taken up by the Government of the country, so that justice may be effectively administered. The Attorney-General, who is the first law officer of the Crown, has conducted the prosecution as the Minister of Public Justice. Again, I am much pleased to think that the prisoner appears to have had ample means to prepare for, and conduct his defence. Witnesses very properly have been brought from all parts of the kingdom to assist in his defence; and he has had the advantage of having his case conducted by one of the most distinguished advocates at the English bar. Gentlemen, I most strongly recommend to you to attend to everything that fell so eloquently, so ably, and so impressively from that advocate, with the exception of his own private personal opinion. It is my duty to tell you that that ought to be no ingredient in your verdict. You are to try the prisoner upon the evidence before you, according as that evidence may be laid before you upon the one side and on the other, and by that alone, and not by any opinion of his advocate. I feel also bound to say that it would have been better if his advocate had abstained from some of the observations which he made in his address to you, in which he laid great stress upon his own conviction of the prisoner's innocence of the crime imputed to him, and of his apprehension that if you returned a verdict of

Guilty, you one day would have to regret your verdict. The fact of the prisoner saying "Not Guilty" is a mere form; it goes for nothing, and it may lead to the most disastrous consequences if that formal answer is to be dwelt upon with too much importance, as it may lead a jury to believe that a prisoner is not guilty, because his advocate expresses his perfect conviction of his innocence. And, upon the other hand, if the advocate withholds an opinion, the jury may suppose that he is conscious of his client's guilt, whereas it is the duty of the advocate to press his argument upon the jury, and not his opinion.

Gentlemen, I will now in a few words give you the allegations upon the one side and on the other. On the part of the prosecution, it is alleged that the deceased, John Parsons Cook, was first tampered with by antimony; that he was then killed by strychnine; and that his symptoms were the symptoms of poison by strychnine. It is then alleged that the prisoner at the bar had a motive for making away with him; that he had an opportunity of administering the poison; that suspicion fell upon no one else; and that on two days, when the poison was supposed to have been administered, he actually purchased strychnine, the poison employed; and that, as they allege, his conduct before that transaction, before the deed, while it was going on, and afterwards, was that of a guilty, and not of an innocent, man. On the other side, it is contended (and you are to say whether or not truly contended) that the prisoner at the bar was really the victim of prejudice; that he had no interest in the death of the deceased; and, on the contrary, that the death of the deceased was to his prejudice: further, that Cooke did not die from poison by strychnine, but from natural disease; that his symptoms were those of natural disease, and not of poison by strychnine; and further, it is contended that no part of the evidence which has been given shows anything which is at all consistent with the guilt of the prisoner. Gentlemen, it is for you to determine between the allegations on the one side and the other, according to the evidence. A most anxious task is imposed upon you, knowing that the life of the prisoner is at stake; and if you find him guilty, he must expiate his crime by an ignominious death. It is of the last importance that you should be convinced of his innocence or his guilt; and if you are not convinced of his guilt, you will rescue him from the fate with which he is threatened. On the other hand, when you have heard the statements which were given in evidence—if you are satisfied of his guilt—it will be your duty to return a verdict of guilty; for if the poisoner were to escape with impunity, there would be no safety for mankind, and society would fall to pieces. Gentlemen, the burthen of proving the guilt rests on the prosecution; and unless that is fully sustained, and you are convinced upon the evidence that he is guilty, then it will be your duty to acquit the prisoner; but in a case of this kind, you cannot expect that witnesses should be called to state that they saw the deadly poison administered by the prisoner, or mixed up by the prisoner openly before them. Circumstantial evidence as to that is all that can be reasonably expected; and if there are a series of circumstances leading to the conclusion of guilt, then, gentlemen, a verdict of guilty may satisfactorily be pronounced. With respect to the alleged motive, it is of great importance to see whether there was a motive for committing such a crime, or whether there was not, or whether there is an improbability of its having been committed so strong as not to be overpowered by positive evidence. But, gentlemen, if there be any motive which can be assigned, I am bound to tell you that the adequacy of that motive is of little importance. We know from the experience of criminal courts that atrocious crimes of this sort have been committed from very slight motives; not merely from malice and revenge, but to gain a small pecuniary advantage, and to drive off for a time pressing difficulties. It seems to me, gentlemen, you will have to consider well whether the symptoms of Cook's death are consistent with a poisoning by strychnia. If they are not, if you believe that death arose from natural causes, the prisoner is at once entitled to a verdict of not guilty at your hands; but if those symptoms are consistent with a poisoning by strychnia, then you will have another and an important question to consider, whether the evidence which has been adduced is sufficient to convince you that it was a death by strychnia, and by strychnia which the prisoner administered. In cases of this sort the evidence has often been divided into medical and moral evidence; the medical being that of the scientific men, and the moral the circumstantial facts which are calculated to prove the truth of the charge against the party accused. Gentlemen, they cannot be finally separated in the minds of the jury, because it is by combination of the two species of evidence that their verdict ought to be found. In this case you will look at the medical evidence, to see whether the deceased in your opinion did die by strychnia or by natural disease; and you will look at what is called the moral evidence, and consider whether that shows that the prisoner not only had the opportunity, but that he actually availed himself of that opportunity, to administer to the deceased the deadly poison of which he died.

Now, gentlemen, with these preliminary observations I will proceed to read over to you the evidence which has been given in this long trial; and I must implore you earnestly, that in any observations I may make upon its effect you will be guided only by your own judgment. To assist you from time to time, I may make observations, but you will not be in the slightest degree influenced by them, unless so far as your own



judgment concurs in them. The verdict must be yours, and in your hands the life of the prisoner must rest.

Gentlemen, I shall best discharge my duty by beginning with that part of the case that was first opened by the Attorney-General, respecting the motive that the prisoner may have had for accomplishing the death of Cook. Now I think that that arises out of certain pecuniary transactions, the nature of which has been most minutely laid before you. It appears that the prisoner had borrowed large sums of money upon bills of exchange, which he drew, and which purported to be accepted by his mother, a lady, it seems, of considerable wealth. Those acceptances were forgeries, and she was not aware of those acceptances until a very late period of that course of dealing. One of those acceptances for 2000*l.* was in the hands of a gentleman of the name of Padwick; 1000*l.* had been paid, and 1000*l.* remained due to Mr. Padwick upon that bill. A solicitor of the name of Pratt had also advanced large sums of money to the prisoner upon similar bills to the amount of 12,500*l.* Several of those bills had been renewed without the knowledge of Mrs. Palmer, but there were two that remained unrenewed, one of them for 2000*l.*, which became due on the 25th of October, 1855, and another for 2000*l.*, which became due on the 27th of October, 1855. Besides these, Mr. Pratt held one bill for 500*l.*, and one bill for 1000*l.*, which were overdue, which were not renewed, and which were held over from month to month, charging a very high rate of interest. Besides these large sums advanced by Pratt to Palmer, it appears that upon similar bills he had contracted a very large debt with an attorney at Birmingham of the name of Wright, and a sum of 10,400*l.* was due to him upon similar bill transactions. It had been expected by Palmer that he would have been able to meet those bills by the proceeds of a policy of insurance, which had been effected upon the life of his brother Walter. Gentlemen, the law of this country wisely forbids an insurance by one man upon the life of another who has no interest in that life; but unfortunately it does not prevent a man insuring his own life for any amount, although no pecuniary loss will arise from his death, and then transferring it to another person. There had been an insurance effected upon the life of Walter Palmer—a bankrupt, without any means except those that were furnished to him by his relations—a policy to the amount of 13,000*l.* That had been assigned by him to William Palmer, the prisoner at the bar. He died in August, 1855, and it was expected that the 13,000*l.* insured upon his life would be the means of enabling William Palmer, the prisoner, to take up those acceptances; but the Prince of Wales Insurance Office denied their liability upon that policy, and refused to pay. Thence arose a most pressing embarrassment—payments were urgently required, and there was danger unless they were immediately paid that the law would be put in force, and that the system of forgeries which had been so long carried on would in all human probability be detected and brought to light.

Now, gentlemen, I will begin with the evidence of John Espin. He was the solicitor of Mr. Padwick, who held the 2000*l.* bill upon which 1000*l.* remained due. He says, "I am a solicitor, practising in Davies Street, Berkeley Square. I acted as solicitor for Mr. Padwick. I produce a bill for 2000*l.*, which was placed in my hands by Mr. Padwick for the purpose of enforcing payment from the prisoner." Then a witness of the name of Strawbridge, the manager of the bank at Rugeley, who knows the prisoner's handwriting, proves that the drawing and endorsement of the bill was the handwriting of the prisoner, but that the acceptance of "Sarah Palmer" certainly was not her handwriting, and that therefore that was a forgery. The bill was put in, and it is dated the 3rd July, 1854, drawn by William Palmer upon Sarah Palmer, Rugeley, Staffordshire, for 2000*l.*, payable to the order of the drawer at three months after date, and purporting to be accepted by Sarah Palmer, endorsed by the prisoner at the bar. That bill therefore would become due on the 6th October, 1854. It had been overdue more than a twelve-month when the transaction occurred which we are now to investigate. The witness says 1000*l.* had been paid off the bill. (*His Lordship proceeded to read the evidence of Mr. Espin and the letters referred to therein.*)

Now, gentlemen, that certainly is strong evidence to show the desperate circumstances in which the prisoner was placed at that time; but that alone would go no way at all to prove his guilt. Now we come to the evidence of Mr. Pratt, who had advanced money on the bills to the extent of 12,500*l.* Now, gentlemen, the dealing of the prisoner and Mr. Pratt is most important for your consideration. (*His Lordship then read the evidence of Mr. Pratt, and the documents referred to therein.*)

Then Mr. Stevens, a witness whom you remember was recalled, and he looks at the cheque for 375*l.* and says that that is not Cook's handwriting. Now, gentlemen, I must say it was rather suggested on the part of the prosecution that on this occasion Cook had been defrauded of the money by Palmer; certainly the endorsement was not in Cook's handwriting; but as was urged very properly by the counsel for the prisoner, it is not improbable that there had been some arrangement between them whereby Cook authorised some one else to write his name on the cheque, and that he really had the money, because there is no complaint whatsoever that he had been defrauded. Then Strawbridge, whom you remember was the manager of the bank, and knew the handwriting, looks at the eight acceptances, and he says they are not in the mother's handwriting; and certainly it is rather a serious consideration when you find that all these

bills were forgeries, and that upon a discovery being made the party committing the forgery would be liable to the criminal law. Mr. Stevens says when the cheque for 375*l.* was drawn the prisoner had an account with us. Then William Cheshire, a clerk, is called; and he says that he is clerk in the National Provincial Bank of England. "The prisoner had an account with the bank: I received the cheque from Mr. Palmer's groom; it was carried to Palmer's credit." All this might have been done with the consent of Cooke, though Palmer had the benefit of it; it might have been done by means of some arrangement between Palmer and Cook. Now Pratt is recalled, and he is cross-examined by the counsel for the prisoner. (*The learned Judge then read the evidence of Mr. Pratt.*)

Now, brother Shee, if the bill to which you refer is to be produced, you had better have it put in.

Mr. *Serjeant Shee*.—If your Lordship pleases.

Lord CAMPBELL.—It is a bill drawn by William Palmer upon Cook, dated Rugeley, September 20, "Three months after date pay to my order the sum of 500*l.* for value received," and it is endorsed "William Palmer." It is due 22nd December.

Mr. *Serjeant Shee*.—That is a different bill from the one mentioned in the evidence.

Lord CAMPBELL.—It is of a different date, but I think it may possibly be a mistake.

Mr. *Serjeant Shee*.—The officer has the bill that is due on the 22nd December. The bill which Mr. Baron Alderson handed to your Lordship was one not mentioned at all until this morning.

Mr. BARON ALDERSON.—That is quite right. The bill for the Polestar transaction was due on 22nd December. This is another bill handed in at the end of the prosecution, and produced by no holder.

Lord CAMPBELL.—The next witness is John Armshaw, an accountant at Rugeley. (*The learned Judge read the evidence of Mr. Armshaw.*) Then John Wallbank, a butcher at Rugeley, is called. (*The learned Judge read the evidence of Mr. Wallbank, and also that of Mr. John Spilsbury.*) Then Mr. Strawbridge is recalled, and he says "On the 19th November, 1855, the prisoner had a balance of 9*l.* 6*s.* in his favour: nothing was paid to the credit of his account afterwards: the last payment to the credit of his account was on the 10th of October, 1850." Now this certainly shows that when he signed the cheque for 1000*l.* that was due on the 23th he had no means whatever to answer it; and that his finances were at the lowest ebb, and that the urgency for payment was very great. Then Herbert Wright is called to show further large debts due from Palmer upon the alleged acceptances of the mother. (*The learned Judge read the evidence of Mr. Wright.*) Then Mr. Strawbridge is again recalled, and he proves the acceptances last produced not to be in the handwriting of Sarah Palmer. He says, "This is a different handwriting from hers: it may be an imitation, but it is a faint one. Charles Wetherby, who was examined for another purpose before, is now recalled. He is the Secretary to the Jockey Club, and keeps the accounts, as appears in his first examination. (*The learned Judge read the evidence of Mr. Wetherby, and also the letters therein referred to.*) Gentlemen, I would observe that a good deal will turn on whether the cheque for 350*l.* referred to by Mr. Wetherby really was sent by Cook or was not sent by him. If it was not sent by Cook, it will be a circumstance showing Palmer's dealing with Cook's property; and it is one of the many circumstances of the case which you will have to consider.

Mr. *Serjeant Shee*.—Mr. Wetherby said he thought it was sent by Cook.

Lord CAMPBELL.—I tell the jury to look at all the evidence, and the cheque has not been produced. It was sent by Wetherby to Palmer. There has notice been given to produce it, and it has not been produced. (*His Lordship then read the evidence of Mr. Butler.*) Then Mr. Stevens was recalled, and he says that Polestar was sold at Tattersall's on the 10th March last by auction, and fetched 720 guineas.

Now, gentlemen, in order to finish this part of the case, that we may go to the circumstances of the alleged poisoning, I will now read to you the evidence of Mr. Bergen respecting the not finding of the cheque for 350*l.* You will recollect that after the inquest the papers of the prisoner were taken possession of, and a selection made of them; and Daniel Bergen, the chief superintendent of police at Stafford, says, "I attended the coroner's inquest on the body of Mr. Cook; after the verdict was returned I searched the house of Palmer, on Saturday night the 15th December; I found some papers, and I took them from the surgery into the drawing-room; a great proportion of these papers were found in a drawer in the surgery; a few were found elsewhere—some in Palmer's bedroom; I searched every part of the house for these, and I put all I found into one place in the drawing-room; I afterwards locked the door, and put the key in my pocket." And here you would have expected to find the cheque, because it was returned by Wetherby to Palmer, and Palmer professed to attach value to it, and requested Wetherby not to pay any money of Cook's in his hands until that cheque was satisfied; but the cheque which you would have expected to find there is not forthcoming, and if it had been a genuine signature it would have been of importance to the prisoner, but however it is not forthcoming. (*The learned Judge then read the remainder of Mr. Bergen's evidence.*) Gentlemen, lest I should omit it, I will mention what strikes my mind, namely, that the circumstance of Mr. Palmer remaining in the country after the sus-



picion had arisen is a circumstance that is favourable to the prisoner, and ought to be taken into consideration in your mind; but I should also mention, that although he may have done so from a sense of innoeence, he may have done so from thinking that, from the course he had taken, nothing would be discovered against him. Then Mr. Henry Augustus Deane is called, and he is a solicitor in the firm of Chubb, Deane, and Chubb, of Gray's Inn. He says, "I attended the inquest on the body of Ann Palmer on behalf of the insurance company." (*The learned Judge read the evidence of Mr. Deane.*) Now, gentlemen, as to the employment of Mr. Field, I know not how it is connected with this inquiry. If the office did employ Mr. Field to inquire as to the circumstances of Walter Palmer's health, and as to the circumstances respecting Bates, I know not what that has to do with it.

Now I proceed to that part of the ease with reference to the transaction at Shrewsbury, preceding the death of the deceased. Now, gentlemen, you can recollect that the first witness called upon this trial was Ishmael Fisher. (*The learned Judge read a portion of the evidence of Mr. Fisher.*) Now, gentlemen, one of the mysterious circumstances in this case is, that it would appear from what Palmer said that Cook had been stating that he (Palmer) had been putting something into his glass; and yet, strange to say, although that seems an undoubted fact, he remains constantly in company with Palmer, still placing entire confidence in him; and when ill, Palmer is sent for. He certainly seems to have been under the influence of Palmer to a very great degree. Well then, Palmer having stated to the witness that Cook was drunk the night before, Fisher says Cook certainly was not drunk. (*His Lordship then read a further portion of Mr. Fisher's evidence.*) Certainly, if Cook had induced Fisher to advance 200*l.*, upon the supposition that he was to be repaid on the Monday, and then employed another person to collect the bets, so as to prevent Fisher having a repayment of his money, that would have been a gross fraud on the part of Cook. (*The remainder of Mr. Fisher's evidence, together with the evidence of Mr. Jones, Mr. Read, and Mr. Gibson, was then read by his Lordship.*) Now the next witness that I will read to you is Mrs. Brookes, although she was not examined until the following day, because she finishes this affair at Shrewsbury. Mrs. Ann Brookes says, "I live at Manchester." *The learned Judge read Mrs. Brookes's evidence, and observed, This ends the affair about Mr. Cook's illness at Shrewsbury; and, taken by itself, it really amounts to very little, but you observe it is connected with what follows, when he returned to Rugeley.*

Now, gentlemen, the scene shifts, and you have Elizabeth Mills called before you; and she certainly is a very important witness. (*The learned Judge read a portion of the evidence of Elizabeth Mills.*) Now, gentlemen, this is a most material part of the case, and to which, no doubt, your attention will be very strongly addressed. The witness says, "He" (that is, Palmer) "sat down in Cook's room; I did not see him again till about a quarter before twelve." (*The learned Judge read a further portion of the witness's evidence.*) In answer to certain questions which the learned counsel for the prisoner put, no doubt according to his instructions, she said, "He" (that is Stevens) "never gave me any money; not a farthing; he has made me no promise." Gentlemen, these questions certainly indicated a most foul charge against Stevens and against Elizabeth Mills, representing that she had been bribed by Mr. Stevens to come and give perjured evidence; I must say that I do not see the smallest pretence for such a suggestion. Mr. Stevens appeared to me to conduct himself with the most perfect propriety, and in the only way which he could have done. The charge is also made that Mr. Stevens had gone with a newspaper to inculcate something in her mind which was not true, in order that she might come and give false evidence: but she says, "Mr. Stevens never read to me from a newspaper, or talked to me of Cook's symptoms before his death." (*The learned Judge read a further portion of the witness's evidence.*) Then her deposition taken before the Coroner is read; I do not know whether it is wished that that should be read again.

Mr. Serjeant Shee.—We should like to have it read.

Lord CAMPBELL.—By all means let it be read. Gentlemen, you will listen to this, and see whether you observe any and what difference between the account she gave before the coroner and the account she gave when examined before you. (*The deposition of the witness taken before the coroner was then read.*) Now, gentlemen, you will remark the omission of her being ill from taking the broth—it is an important omission; but you will say whether that which was stated is not substantially the same as the evidence which she gave on oath when examined before you. When re-examined, she says, "I was under examination before the coroner about a couple of hours." With regard to her cross-examination, I ought to mention that it was not conducted with regularity, because the deposition before the coroner ought to have been read over to her and then been cross-examined upon that; for it is hardly possible for a witness at this distance of time, after a long examination, to state exactly what he said, or omitted to state, when before that functionary; but you will say whether there is any material discrepancy between the account which you have now heard read from her deposition before the coroner and the evidence which she gave before you. (*The learned Judge read the remainder of the witness's evidence.*) It was very properly pointed to her attention that she did not, when before the coroner, connect her illness with the broth. That she

had been ill there seems no doubt about, because her sickness is proved by Lavinia Barnes, a witness who is allowed to be above suspicion; but she did not mention when before the coroner that it was the broth that had made her ill; she did not connect her illness with the broth. It is for you to say whether Elizabeth Mills has not given us a true statement, and if you believe her to be a witness of truth, you are to say what inference you draw from the facts which she states.

Now, the next witness was Mr. James Gardiner, an attorney of Rugeley, a member of the firm of Lander, Gardiner, and Lander, and agents for Messrs. Clayton, Cookson, and Co. Clayton and Co. were the solicitors in London of Mr. Stevens; Mr. Gardiner was their agent at Rugeley; and they recommend Mr. Gardiner and his firm to conduct the business. (*His Lordship read the evidence of Mr. Gardiner.*)

Now comes Lavinia Barnes, the fellow-servant of Elizabeth Mills. (*The evidence of the witness was then read by his Lordship.*) I am not aware of any impeachment upon the testimony of this witness, and you will probably think it may be relied on. It is for you to say what inference is to be drawn from it. You will remember the account that Lavinia Barnes gives of the symptoms, and will compare them with the symptoms of ordinary disease, and with the symptoms occasioned by the poisoning by strychnine.

Now comes Anne Rowley. (*The learned Judge read the evidence of Anne Rowley, Charles Hawley, and Sarah Bond, and the Court then adjourned for a short time.*)

The next witness is Mr. William Henry Jones, a surgeon residing at Lutterworth. (*The learned Judge read a portion of the witness's evidence, and also the following letter from Mr. Palmer to the witness:—"November 18, 1855. My dear Sir,—Mr. Cook was taken ill at Shrewsbury, and obliged to call in a medical man; since then he has been confined to his bed here with a very severe bilious attack, combined with diarrhoea, and I think it advisable for you to come to see him as soon as possible."*) You have a very mysterious part of the case here, for, upon Sunday the 18th, after Cook had been unwell from the Saturday, Palmer writes this letter to Mr. Jones; and your attention has been very properly directed by the learned counsel for the prisoner to this letter as strong evidence in favour of the prisoner; and certainly at first sight it would appear very much to be in his favour that he sends to a medical man who is a friend of Cook, and who took a lively interest in him and wished him well. But at the same time there are circumstances in this case that may enable you to draw a different conclusion, but I will not suggest it. There is one thing, however, which does strike one very much in the language of the letter which he writes. You will recollect what had been the symptoms of Cook before this letter was written on the Sunday, and what are the words of the letter. Now, as to bilious symptoms, you have heard what his symptoms were; and as to diarrhoea, that is thoroughly negatived. There was no diarrhoea, as Mr. Palmer, the prisoner, a medical man who had attended him, must have known. (*His Lordship then read a further portion of Mr. Jones's evidence.*) Then he is asked about his deposition that was taken before the coroner. I do not know whether it is wished that it should be read again.

Mr. Serjeant Shee.—I think it had better be read again, my Lord.

Lord CAMPBELL.—By all means let it be read. (*The deposition of the witness was then read.*) This deposition is read at the request of the prisoner's counsel, and you will say whether, in your opinion, it at all varies from the evidence given by Mr. Jones when examined here in the box before you. You will form your own judgment, but I confess I see no discrepancy and no reason to suppose that Mr. Jones is not a witness of sincerity and truth. (*His Lordship then read the remainder of Mr. Jones's evidence.*)

Now, gentlemen, Lavinia Barnes and Elizabeth Mills are called to speak as to something that happened upon the previous Monday night. (*His Lordship read the evidence of the two witnesses, and also the evidence of Dr. Savage.*) The evidence certainly is very strong, both of those who are professional, and those who are not professional, to show that down to the time of the Shrewsbury races, in fact, on the Wednesday night, Cooke was in a state of health better than he had before enjoyed.

Now, gentlemen, comes a witness of the greatest importance, Charles Newton. (*His Lordship read a portion of Mr. Newton's evidence.*) I may notice to you that Roberts swears, and is, I think, not contradicted, that he had sold strychnia, among other drugs, to Palmer; and you are called upon to observe the demeanour of Palmer at that time, and the way in which he tried to prevent Newton from observing that he had been obtaining this drug at the shop of Mr. Hawkins. (*His Lordship then read a further portion of the evidence of Mr. Newton.*) Then the deposition of Newton was read, and it had better be read again. (*The deposition of Mr. Newton, taken before the coroner, was then read, and his Lordship concluded reading the evidence of the witness.*) Now, gentlemen, this is the evidence of Newton, and most important it is for your consideration. It certainly must be recollected that he did not mention the furnishing of the strychnine to Palmer on Monday before the coroner, and that he did not mention it till the Tuesday morning, when he was coming up here. That certainly requires consideration at your hands; but then, gentlemen, you will observe that in his deposition, which has been read before you, although there is an omission which is always



to be borne in mind, there is no contradiction of anything that he has said. Well, then, you are to consider what is the probability of his inventing this wicked and most abominable lie. He had no ill will towards the prisoner at the bar; he had nothing to gain by injuring him, much less by saying anything to affect his life. I see no motive that Mr. Newton could have for inventing a lie to take away the life of another person. No inducement could be held out to him from the Crown; he says himself that no inducement was held out to him, and that he at last disclosed it from a sense of justice. If you believe him, certainly the evidence is very strong against the prisoner at the bar. Now, I will take you to the evidence of the next witness, whose evidence is closely connected with the witness Newton—who did furnish strychnine to the prisoner—I mean Joseph Roberts. (*The learned Judge read the examination in chief of Mr. Roberts.*)

Now comes the cross-examination, which consists in this, and this only: "I did not make an entry of any of those things in our books; if articles are sold over the counter, and paid for at the time, we do not enter them in our books." Now, gentlemen, this is the evidence of Mr. Roberts, which is most important, for he is not cross-examined as to the veracity of his testimony, nor is it contradicted at all. It is not denied that on this Tuesday morning the prisoner at the bar got six grains of strychnia from Mr. Roberts. If you couple that with the evidence of Mr. Newton, believing that, then you will have positive evidence of strychnine being procured by the prisoner at the bar; that the symptoms of strychnine were exhibited in Mr. Cook, the deceased; and you have the evidence of Mr. Roberts undenied and unquestioned, that on the Tuesday the six grains of strychnia were supplied. Now, gentlemen, if you believe both, a very serious case is adduced, supposing you should come to the conclusion that the symptoms of Mr. Cook were consistent with that poison. If you think the symptoms are accounted for by merely ordinary tetanus, of course the fact of strychnine being obtained by the prisoner at the bar is entitled to very little weight; but if you should come to the conclusion that the symptoms which Mr. Cook exhibited on the Monday night and Tuesday night are consistent with strychnine, then a fearful case is made out against him. Gentlemen, I have listened with the most anxious attention to know what explanation would be given respecting the strychnine that was purchased on the Tuesday morning. The learned counsel for the prisoner told us that we must believe nothing; that he would combat and disprove everything; and no doubt, according to his instructions, he very properly denied that Mr. Newton was to be believed; and, disbelieving Mr. Newton, you have no evidence of any strychnia being obtained on the Monday evening; but, disbelieving Mr. Newton, and believing Mr. Roberts, you have evidence of six grains of strychnia having been obtained on the Tuesday morning, and no explanation is given of it. The learned counsel did not favour us with the theory which he had formed in his own mind respecting that strychnia, and how he considered it to be consistent with the view that he suggested. There is no evidence of the intention with which it was purchased; there is no evidence how it was applied, what became of it, or what was done with it.

Then I say, gentlemen, that it will not at all influence your verdict, unless you come to the conclusion that the symptoms of Mr. Cook were consistent with a death by strychnia; but if you come to that conclusion, I should shrink from my duty, and I should be unworthy to sit here, if I did not draw to your consideration the importance of the testimony, and the inference it may afford of the death having been occasioned by strychnine, and that that was administered by the prisoner.

The next witness is William Stevens. (*The learned Judge read the evidence of Mr. Stevens*) Now, gentlemen, the learned counsel, in the discharge of his duty, did, as he was perfectly justified in doing, make a very violent attack upon the character and conduct of Mr. Stevens. It rests with you to say whether that attack was well founded. I own I can see nothing in Mr. Stevens in the slightest degree calling for it. He was attached to this young man, who was his stepson, and he was anxious to take care of him, and whatever the result of this trial may be, there were appearances, I think, that justified the course that he pursued, and I know not that Mr. Stevens did anything he was not perfectly justified in doing. He goes immediately to Lutterworth, he finds the will in which he is named executor, he consults his own respectable solicitors in London, who recommend him to a respectable solicitor in Rugeley, Mr. Gardiner, and he acts on his advice, and the conversation that passes between him and Palmer I leave you to judge of. You will form your opinion upon the whole of the case.

The next witness that is called is Mary Keeling. (*The learned Judge read a portion of the witness's evidence.*) It was suggested that the undertaker's men, or the women who laid out the body, might have abstracted the betting-book; but she says she saw no book there. (*His Lordship read the remainder of the witness's evidence.*) Now, gentlemen, here closes the evidence with reference to those who saw the symptoms before death, at the time of death, and after death.

Mr. Serjeant Shee.—I am not quite sure whether your Lordship read that the witness said the body was lying straight on the back on the bed?

Lord CAMPBELL.—I have read all that I have taken down: is it in the cross-examination?

Mr. *Serjeant Shee*.—No, in the examination in chief:—"How was the body lying? On the back, straight down the bed."

Mr. *James*.—Where do you read that from?

Mr. *Serjeant Shee*.—It is in two reports, one in 'The Times,' and one from the shorthand writer's notes.

Lord CAMPBELL.—Bamford says it was lying straight on the bed.

Mr. *Serjeant Shee*.—I did not allude to Bamford's examination: this witness says so too.

Lord CAMPBELL.—Now then, the next witness we have is Dr. Harland. (*The evidence of Dr. Harland and the documents therein referred to were then read.*) Dr. Harland's evidence is certainly very material, gentlemen, and I am glad to see that you have paid careful attention to it.

The next witness is Mr. Charles John Devonshire, who was present at the opening of the body in November last. (*The learned Judge read the evidence of Dr. Devonshire.*)

Mr. *Serjeant Shee*.—I think the witness said there were traces of emphysema in the left lung.

Mr. BARON ALDERSON.—Yes.

Lord CAMPBELL.—Dr. Monkton is the next witness. (*His Lordship read the evidence of Dr. Monkton, and also that of Mr. Boycott and James Myatt.*) It is impossible to deny that this is evidence for your consideration, because in a case of circumstantial evidence you look at the conduct of the party accused, and consider whether that conduct accords with innocence, or betrays guilt. Now there seems no reason to doubt the evidence of this poor boy. A proper attempt, no doubt, was made to show that it did not refer to the jar, but to upsetting Mr. Stevens; that Mr. Stevens had been wantonly provoking Mr. Palmer, and that Palmer might be excused if he could get him upset on the journey. I see no ground for saying that he gave him any such provocation; and if you believe the postboy, the inquiry was about the jar, and that it was to upset them with the jar. This is nothing like decisive proof of guilt, but you will say whether it accords with innocence that he should enter into this contrivance for preventing the opportunity of examining the contents of the jar, which might be used as evidence against him.

Now, gentlemen, the next witness is Samuel Cheshire, who was for some years postmaster at Rugeley, and he says that he comes from Newgate, where he is suffering punishment for having read a letter. Now, reading a letter must mean opening a letter that passed through the post-office, in violation of his duty, he being postmaster. (*His Lordship then read a portion of the evidence of Mr. Cheshire.*) Then evidence is given, according to the rules of law, to show that the cheque came back into the possession of the prisoner, otherwise we do not allow evidence to be given of a written document unless it can be traced to the custody of the person against whom it is adduced, and Mr. Wetherby, the secretary to the Jockey Club, is recalled. (*His Lordship read the evidence of Mr. Wetherby.*) Then they went through a form of law, showing there had been a notice to produce the document referred to, and then the cheque is called for, it being traced to the custody of the prisoner at the bar. It is not produced, and upon the evidence of Bergen you will find that it could not be found among the papers at his house. Then Mr. Cheshire is recalled, and his evidence is as follows. (*His Lordship read a further portion of the evidence of Mr. Cheshire.*) Now, just stop for a moment. We must consider whether there is evidence of Palmer appropriating to his own use the property of Cook, and whether that cheque was a forgery. Again, we must see whether he was taking any benefit from Cook's death; and if he was tampering with a memorandum of this sort, pretending that it was signed by Cook, and that it was witnessed by Cheshire in the lifetime of Cook, his supposed attestation would be evidence that he was taking a benefit from the death of Cook, and the inference would lead inevitably to that conclusion; but all these are circumstances for your consideration, and you must form your own opinion upon them. Then he says, "the prisoner was in the habit of calling for letters addressed to his mother." Of that there can be no doubt: there can be no doubt that he contrived to get the letters that were written to his mother, otherwise his mother would long before have become acquainted with these forgeries, which were committed in her name; because it is quite clear there were various applications to her for payment, of which she was kept in ignorance. (*His Lordship read a further portion of the evidence.*) It is quite clear that he was tampering with the postmaster, and obtaining information with respect to what Dr. Taylor said upon analysing the contents of the jar. Then the witness goes on to say, "The letter for which I am suffering punishment was a letter from Dr. Taylor to Mr. Gardiner, the attorney employed by Mr. Stevens. (*His Lordship read the remainder of Mr. Cheshire's evidence.*) Then Captain Hatton, the chief superintendent of the police of Staffordshire, says, "I procured this letter and envelope from Mr. Ward the coroner;" and this letter is a most improper letter, addressed by the prisoner to Mr. Ward the coroner, who is of course a judge. It so happens that I myself am the chief coroner of England; but all the coroners are judges as much as I am, and ought with equal integrity and indifference to administer the law of the country. He says, "I procured this letter and envelope from Mr. Ward the coroner;" this is the letter



which the prisoner at the bar writes to Mr. Ward the coroner while the inquest is pending; and it is not creditable to Mr. Ward to receive such a letter without exposing the person who wrote it. The letter is in these terms. (*His Lordship read the letter.*) He may be an innocent man, but you will say whether this is consistent with innocence. It is clear tampering with the Judge, and suggesting the verdict which he should obtain from the jury, which would have amounted to a verdict of acquittal, instead of the verdict which they did pronounce, which was a verdict of wilful murder against him. Mr. Cheshire is then recalled. (*His Lordship then read the remainder of Mr. Cheshire's evidence.*) There is the evidence of Mr. Cheshire, which is very material with regard to the cheque, the memorandum, and the disclosing of this letter which was written by Palmer to Mr. Ward, the coroner.

The next witness is Mr. Ellis Crisp, the inspector of police at Rugeley; he says, "on the 1st of December I assisted in searching the prisoner's house. There was a sale of things on the 5th of January; I got this book at the sale." Now that book is not here, is it?

Mr. James.—Yes, my Lord. (*The book was handed to his Lordship.*)

Lord CAMPBELL.—This book has been laid before you in evidence, and certainly I think I need hardly beg of you to pay no regard to it, because it was a book that Palmer had when he was a surgeon, and at a time when I have no doubt he would have shrunk with horror at any such crime as that with which he is charged here to-day. There is, in the title-page of the book, "Strychnia kills by causing tetanic fixing of the respiratory muscles;" and in another part there is a description of what nux vomica is, and how strychnia is produced from it; with these words, "strychnia kills by causing tetanic fixing of the respiratory muscles." Again I say, that I think this being found in his possession, ought not to weigh at all against the prisoner at the bar. There is a letter written in another book which was taken at the same time; but, as I have said before, I have no doubt that at that time he would have regarded with horror any such crime as that with which he stands charged.

Then the next witness is Elizabeth Hawkes: she keeps a boarding-house at No. 7, Beaufort Buildings, Strand. (*His Lordship read the evidence of Mrs. Hawkes.*) Now this by itself does not connect the prisoner at the bar with this present; but in a subsequent stage of the proceedings, the porter was called, and his evidence I will now read to you. His name is Slaek, and he is porter to the last witness, who keeps a boarding-house. (*His Lordship read the evidence of Slaek.*) Therefore he has this game, fish and turkey put up in a basket and directed to Mr. Ward, the Coroner.

Now the next witness called is Mr. George Herring. Fisher, in the natural course of things, if Cook was not able to come up upon the settling day, was the person to be employed to collect his bets, and he, at Cook's request, had advanced 200*l.* from his own pocket upon Cook's account. He was not employed and Herring was; and Herring gives this account. (*His Lordship read the evidence of Herring, and the letters therein referred to.*)

Then Boycott is recalled and proves the signature of the prisoner to one of the bills, and to the other two as acceptor. Then Mr. Strawbridge is called, and he looks at the bill dated 5th October, 1855, and says the drawing and endorsement are in the prisoner's handwriting. (*The learned Judge read Mr. Boycott's evidence.*) Then Herring is recalled and he says it is endorsed by John Parsons Cook. (*The evidence of Mr. Herring was then read.*)

Mr. Serjeant Shee.—This will be the time, my Lord, for the other bill to be put in, which will make three 500*l.* and three 200*l.* bills.

Lord CAMPBELL.—If you please.

The next witness is George Bate. (*His Lordship read the evidence of Mr. Bate.*) Mr. Bamford's deposition must still be introduced as to what he saw, and likewise his *vivâ voce* examination, which will come together.

Now, gentlemen, you are called upon to form your opinion as to the opinion of scientific men respecting the appearance of the symptoms that Cook exhibited, and how far they can be accounted for by natural disease, and how far, also, upon the evidence, they are consistent with strychnine, whether they agree with traumatic or idiopathic tetanus, whatever it may be; or whether the symptoms correspond with a natural disease and do not correspond with strychnine, is a matter that is of very great importance for you to consider. Mr. Curling is the first gentleman called, and he is a fellow of the Royal College of Surgeons, and surgeon to the London Hospital. (*The evidence of Mr. Curling, Dr. Todd, and the deposition of Mr. Bamford, was then read.*) Now, that will introduce the *vivâ voce* examination of Mr. Bamford, because you will recollect that he was very ill when that examination was read, and was not able to come into court; but he subsequently recovered, was examined, and gave this evidence. (*His Lordship read a portion of Mr. Bamford's evidence.*) This is most important, because the prisoner sees the pills made up by Bamford; they are delivered to him, and he has them in his possession. He certainly had the opportunity of changing them. That is an observation that I feel it my duty to submit for your consideration. Whether he did so or not, must depend upon the various circumstances given in evidence before you, which you will have the opportunity

of considering. (*His Lordship read a further portion of Mr. Bamford's evidence.*) He says, "I gave it as my opinion that he died from apoplexy, and I filled up the certificate accordingly." There is not the smallest reason, I believe, to impute any bad faith to Mr. Bamford, but it is allowed on all hands that he was mistaken, that it was a mistake to say that death arose from apoplexy, because all the witnesses on both sides say that it certainly was not apoplexy, whatever other disease it might be. But, Mr. Bamford being called upon to give a certificate, gave a certificate that the death was by apoplexy; for it is necessary, as you are aware, under the recent act of Parliament, that the cause of death should be certified by the medical man. "Palmer asked me to fill up the certificate: I had the form of the certificate in my own possession; on Palmer asking me to fill up the certificate, I told him it was his place, as he was his patient, to have filled up that certificate; but he said he had much rather I would do it, and I did it. I was present at the post-mortem examination; he did not say more." Then he is cross-examined, and he says, "My house is about 300 yards from the prisoner's." Now this old gentleman, turned of 80, seems to have acted with perfect good faith; but he was mistaken as to the cause of death for which he had given a certificate. But now, gentlemen, we go on to the cross-examination of Dr. Todd. (*The evidence of the witness was then read.*) Therefore, his opinion, according to the long report you have heard, is, that when the body was examined at that time, after examination, any disease in the spinal cord might have been discovered.

The next witness is a witness to whose opinion, he being a gentleman of high reputation and unblemished honour, you will pay great attention—Sir Benjamin Brodie, and, I think I may say with the concurrence of my learned brothers, that he is probably the most distinguished medical man of the present age. (*His Lordship read Sir Benjamin Brodie's evidence.*) You will take into consideration the solemn opinion of this distinguished medical man, that he never knew a case in which the symptoms that he heard described arose from any disease. He has seen and known the various diseases that afflict the human frame in all their multiplicity, and he knows of no natural disease, such as will answer the symptoms which he heard described in the case of Cook; and if it did not arise from natural disease, then the inference is, that it arose from other causes.

The next witness is Dr. Daniel. He says he has retired from the medical profession, and was for twenty-eight years surgeon to the Bristol Hospital. (*His Lordship read the evidence of Dr. Daniel and Dr. Solly.*) The next witness is Mr. Lee.

Mr. Serjeant Shee.—There is one answer, my Lord, which the last witness gave, which we think important.

Lord CAMPBELL.—Read it, if you think I have omitted it.

Mr. Serjeant Shee.—We certainly think your Lordship reads it rather short.

Lord CAMPBELL.—Read it by all means; I have no doubt the report is a correct one.

Mr. Serjeant Shee.—Here is an answer which appears to us very important, indeed, about the *risus sardonius*. "Does it not frequently occur in all violent convulsions which assume, without being tetanus, a tetanic form and appearance? Yes, it does.—Are they not a very numerous class? No, they are not numerous.—Is it not very difficult to distinguish between them and idiopathic tetanus? In the onset, but not in the progress.—I think you have only seen one case of idiopathic tetanus? I have only seen one."

Lord CAMPBELL.—Very well, you have read it, and the jury will say whether it is important in their view or not.

Mr. Serjeant Shee.—Then there is another question—"Does epilepsy sometimes occur in the midst of violent convulsions? Epilepsy itself is a disease of a convulsive character.—I am aware of that; but you heard the account that was given by Mr. Jones of the few last moments before Mr. Cook died? Yes, I did.—That he uttered a piercing shriek, fell back and died; did he not? Yes."

Lord CAMPBELL.—Mr. Lee is the next witness called, and he is surgeon to King's College and the Lock Hospital. (*His Lordship read Mr. Lee's evidence.*) Now, we have given in evidence several cases of tetanus and convulsions from strychnine, and you are to consider how far the symptoms of Mr. Cook resemble those, or whether they resemble the symptoms of ordinary tetanus, idiopathic or traumatic. First, we have a case from Glasgow; the case of Agnes Sennet. Dr. Robert Corbett is a physician practising at Barrhead, near Glasgow. (*His Lordship read the evidence of Dr. Corbett and Mr. Watson, one of the Physicians of the Glasgow Infirmary, Dr. Patterson, and Mary Kelly.*) This, gentlemen, is the end of the Glasgow case; and now we have the Romney case, that is the case of Mrs. Smith, and to prove that Caroline Hickson is called. (*His Lordship read the evidence of the witness, and also that of Mr. Francis Taylor and Mr. Charles Bloxam.*) Now, here you have a very distinct account of a case certainly of strychnine, and you will say how far it resembles that of Mr. Cook. The great question for you to consider is, whether Mr. Cook's symptoms are consistent with strychnine?

Now, we have the case from Leeds, which was an attempt, no doubt properly made, that the name should not be published; but as it has been so frequently mentioned, I do not know that it need be now concealed; it is the case of Mrs. Dove, and what takes



place here is not to prejudice any further proceedings that may arise out of that unfortunate case. Jane Witham is called, and her evidence is as follows. (*The evidence of the witness was read by his Lordship.*) This was a case, in which it appears from the symptoms, that there had been several small doses of strychnine given before the dose was administered that finally proved fatal. Mr. George Morley, a surgeon, is next called. (*The evidence of the witness was read by his Lordship.*) Now, gentlemen, this is a very important case, because it is a case where there was death certainly by strychnine however administered, and you will see how far the symptoms of this lady, to whom several doses of strychnine appear to have been given, correspond or differ with or from those of Mr. Cook. It seems she had an attack, then recovered from it, and that then on the Saturday a larger dose was given, and that that proved fatal. With respect to the opinions which this witness gives, they are at variance with the opinion of other scientific and most sincere witnesses as to strychnia being decomposed in the blood. That seems a vexed question among the most eminent toxicologists, and the material question will be whether there may not be cases where there has been death by strychnine and strychnine has not been discovered from whatever cause that may have been administered. Now, Mr. Edward Moore is the next witness, and this refers to another case of strychnia where there was an over dose. (*The evidence of the witness was read by his Lordship.*) This being a case certainly of poisoning by strychnine, you will consider how far that may be supposed as corresponding with the symptoms of Mr. Cook on the Monday night, and his recovery from them.

The next witness is Dr. Taylor. I am much afraid, Gentlemen, that it is impossible to finish this case to-night, but it is very desirable that we should finish the evidence for the prosecution, and then I shall be under the necessity of adjourning the Court and asking you to attend to-morrow morning, when (God willing) this investigation will come to an end. Dr. Taylor's evidence is as follows (*his Lordship read a portion of the evidence of Dr. Taylor*). Now, Gentlemen, here is something most important for your consideration. You see it is very properly relied on on the part of the prisoner, that though strychnia may be found in the body by analysis, none was found upon the analysis which was made by Dr. Taylor and Dr. Rees, for they, and they alone, experimented upon it, and they could find none. We know that experiments were made by those two individuals, and they say that so far as their skill goes there may be death by strychnia, and yet that strychnia cannot be detected. But Dr. Taylor and Dr. Rees state experiments that they made where the death had been by strychnia, which they themselves administered; and in at least two of those cases where there had been death by strychnia they could discover none. Now it is possible that other chemists and other medical men might have discovered strychnia in those animals, and might have discovered strychnia in the body, or in the jar which contained the stomach of Cook, but they found none in their analysis. They found none also in at least two cases where they killed animals by strychnia, and afterwards did all their skill enabled them to do for the purpose of discovering the strychnia. (*His Lordship read a further portion of the evidence of Dr. Taylor.*) I thought at one time that these examinations were made with a view to show that if the pills prepared by Mr. Bamford had been taken as he prepared them, that mercury ought to have been found in the body of Mr. Cook; but I think that was not pressed, and I should think that it ought not to have any influence upon your verdict—there was no mercury found. There was mercury in the pills which Mr. Bamford prepared, and which Cook ought to have taken, but the simple fact of no mercury being found in those parts of Cook's body that were examined ought not to have any influence upon your verdict; but that of course you will judge of for yourselves. (*His Lordship read a further portion of the evidence of the witness.*) Then the learned counsel in cross-examination read a passage from Orfila about a dog who had taken antimony, and some few minutes afterwards antimony was found in the bones, in the fat, and in the liver. (*His Lordship proceeded to read the evidence of Dr. Taylor, and also the letter written by Dr. Taylor to Mr. Gardiner.*) You will bear in mind, gentlemen, that was written before the symptoms were known to Dr. Taylor and Dr. Rees, but they had been informed that prussic acid and strychnia and opium had been bought by Palmer on the Tuesday. They search for all these poisons and they find none; but they swear distinctly that they found antimony in the body, and therefore, in the absence of the symptoms, they do not impute the death to strychnia, but they say it may possibly have been produced by antimony, because the quantity they discovered in the body was no test of the quantity that had been administered to the deceased. (*His Lordship read a further portion of the evidence of Dr. Taylor.*) Then a letter was read which Dr. Taylor wrote to the 'Lancet,' and I must say that he would have done better to have abstained from taking any notice whatsoever of what was said about him, but you will say whether what he did write materially detracts from the credit which would otherwise be due to him. I think the passage in this letter in the 'Lancet,' which was relied on, is the last passage which I will read to you. He explains what his evidence had been, and complains of the reports that had been spread abroad respecting him, and then he concludes his letter thus:—"In concluding this letter I would observe that during a quarter of a century which I have now specially devoted to toxicological inquiries, I have never met with any cases like those suspected of poisoning at Rugeley. The mode in which they will affect the person accused is of minor importance compared with their

probable influence on society. I have no hesitation in saying that the future security of life in this country will mainly depend on the judge, the jury, and the counsel, who may have to dispose of the charges of murder which have arisen out of these investigations." I again say that I think it would have been better if he had trusted to the credit which he had already acquired, instead of writing a letter to the 'Lancet;' but it is for you to say that he having been, as he says, misrepresented, and writing this letter to set himself right, whether that materially detracts from the credit which is due to him.

Mr. *Serjeant Shee*.—He does not complain of any misrepresentation; he begins by saying, "I have much pleasure."

Lord CAMPBELL.—I am going to state what follows: he says, "I never knew that my portrait had been taken for the 'Illustrated Times.'" (*His Lordship read a portion of Dr. Taylor's evidence.*) The result seems to me that the editor called upon him with a proof, and, according to his statement, he gave leave for the publication of a part, striking out everything, as he says, that concerned the Rugeley case, and this is what is stated to have appeared in the 'Illustrated Times.' (*His Lordship read the remainder of Dr. Taylor's evidence.*) That is the end of Dr. Taylor's evidence. Now, gentlemen, I will not at all comment on it. You see the importance of it with regard to finding the antimony in the body; with regard to the experiments for strychnia that he made; and the fact that in the animals which he himself had killed by strychnine, no strychnine could be found.

Then Dr. Rees follows, and he corroborates the evidence given by Dr. Taylor. He is a Fellow of the College of Surgeons, and Lecturer on Materia Medica at Guy's Hospital. (*The evidence of Dr. Rees was read by his Lordship.*) Here, therefore, is Dr. Rees, whom no one can suppose to have an interest in the matter. I do not know what interest it can be supposed that Dr. Taylor had in the matter, for he was regularly employed in his profession; he knew nothing about Mr. Palmer until he was called on by Mr. Stevens to analyse the contents of the jar; he had no animosity against him, and no interest whatever in misrepresenting the matter.

Mr. *Serjeant Shee*.—He said that the experiments with the two rabbits were made after the inquest.

Lord CAMPBELL.—Certainly; it cannot matter whether they were made before or after, if they are witnesses of truth. It is the case that there was the death of the animals by strychnine, and that after death no strychnine could be found in the animals; and if the experiments had been made this morning, the effect would have been the same. Dr. Taylor has been questioned about some indiscreet letter which he wrote to the 'Lancet,' and some indiscreet conversation which he had with the editor of the 'Illustrated Times;' but, with regard to Dr. Rees, that imputation does not exist, and he concurs with Dr. Taylor in the evidence that the rabbits were killed by strychnine, and that although they did everything in their power, according to their skill and knowledge, to discover the strychnine, as they did with regard to the contents of the jar, yet no strychnine could be found. (*His Lordship read the evidence of Dr. Rees.*) You will judge from the vomiting that took place at Shrewsbury, and afterwards at Stafford, whether antimony may have been administered to Cook at Shrewsbury or Stafford. Antimony may not produce death; but it is part of the transaction, and deserves your deliberate consideration. He concurs with Dr. Taylor that there were cases in which animals were poisoned by strychnia, and in three cases they were unable to discover it after death.

The next witness is Mr. Brande, Professor of Chemistry at the Royal Institution. (*His Lordship read the evidence of Mr. Brande and of Professor Christison, whom his Lordship stated was known to be a most skilful and honourable man.*) Then comes the last witness, Dr. John Jackson, who is a member of the College of Physicians. This is with a view to show what is the common course of natural tetanus, whether idiopathic or traumatic. (*His Lordship read the evidence of Dr. Jackson.*)

Now, gentlemen, this, I believe, is the whole of the evidence upon the part of the prosecution, and we will, therefore, now adjourn until to-morrow morning.

*The Court adjourned at a quarter past eight until ten o'clock to-morrow.*



## TWELFTH DAY'S TRIAL.

MAY 27, 1856.

LORD CAMPBELL.—Gentlemen of the jury, at the adjournment of the Court yesterday evening I had finished the task of laying before you all the evidence on the part of the prosecution; and certainly that case, if not answered, does present for your consideration a serious case against the prisoner at the bar. It appears that in the middle of November he was involved in pecuniary difficulties of the most formidable nature: he had engagements to perform that he was unable to perform without some most extraordinary expedients; he had to make payments for which he was unprepared; there were actions brought against both himself and his mother upon the forged acceptances; he had no credit in any quarter upon which money could be raised. It so happened that at that time Cook, the deceased, by the winning of the race on the 13th November, became the master of at least 1000*l.*, and there is evidence from which an inference may be drawn that the prisoner formed the design of appropriating that money to his own use, and that he is prepared to do whatever was necessary to accomplish that object. There is some evidence that he did appropriate that money to the payment of debts for which he alone was liable. There is evidence from which it may be inferred that he drew a cheque in the name of Cook, which was a forgery, upon which to obtain payment of part of the money which was due to Cook; and there is further evidence that he employed Herring to collect money on the Monday and to appropriate it to his own use. What effect would have been produced by the survival of Cook, under such circumstances, you are to consider. However, it appears that from Cook's death he contemplated the advantage of obtaining possession of the horse Polestar which had belonged to Cook; and you have evidence of his having fabricated a document which was to declare that certain bills of exchange with which it appears that Cook had no concern were negotiated for Cook's advantage, and that the prisoner at the bar had derived no benefit from them. Gentlemen, that was brought forward after Cook's death, and if Cook had survived, that fraud must have been exposed, and might have been punished. Then, gentlemen, with respect to the joint liability of Cook and Palmer, which it is said would now be thrown entirely upon Palmer, that was rather a distant object; and if Palmer had got possession of all Cook's property by the means that he resorted to, he would not have been a sufferer by his death. Then, gentlemen, as to the important question whether Cook must be supposed to have died by natural disease or by poison. You have the evidence of Sir Benjamin Brodie and other most skilful and honourable men, who say that in their opinion he did not die from natural disease; they know no natural disease in the whole catalogue of diseases which attack the human frame which will account for those symptoms. Further, gentlemen, the witnesses go on to say that they believe that the symptoms that were exhibited by Cook were the symptoms of strychnia, that they were what would be expected from strychnia, and that, comparing those symptoms with natural tetanus, they do not correspond with it, but they do correspond with the symptoms brought on by a man being poisoned by the administration of strychnia. Then, gentlemen, with respect to the consideration that no strychnia was found in the body, that is for you to consider, and no doubt you will pay great attention to it; but there is no point of law according to which the poison must be found in the body of the deceased; and all that we know respecting the poison not being in the body of Cook is, that in that part of the body that was analysed by Drs. Taylor and Rees they found no strychnia. But witnesses of great reputation have said, Dr. Christison among the number, that under certain circumstances, where there has been poison by strychnine, they would not expect the strychnine should be detected; and you have the evidence of Dr. Taylor and Dr. Rees, who made the examination, that they having experimented upon animals killed by strychnine, which they themselves administered, and by resorting to the same means that they had employed in examining the body of Cook, no strychnia could be found.

Then, gentlemen, with regard to the length of time that occurred between the alleged administration of the strychnia and the time that the symptoms appeared, the evidence seems to me to lead to this conclusion, that although where it is administered to animals with a view of making experiments and with a view of observing its operation as quickly as possible, it generally operates more rapidly than in the human frame when it is put in the shape of pills, and that will depend upon the manner in which those pills are compounded, likewise looking to the state of the health and body of the person to whom they are to be administered, and whether there may or may not have been any previous tampering with the health of that person. Instances are referred to where, even in the human body, a greater space of time has elapsed than in this case between the administration of the poison and the symptoms which were exhibited.

Mr. Serjeant Shee.—I think that is not so upon the evidence, my Lord.

LORD CAMPBELL.—There are instances referred to in which it has been detected; there

have been instances referred to in the course of this trial in which there has been as long an interval.

Mr. *Serjeant Shee*.—I believe that is a mistake.

Lord CAMPBELL.—With regard to there being no blood in the heart, which seems to have been relied upon, it appears that the result is this, that if the death is produced by an obstruction of the respiratory organs, producing asphyxia, the blood is found in the heart; but if it be produced by a spasm upon the heart itself, the heart contracts, the blood is expelled, and no blood is found after death. Now, taking the evidence before us, there are two instances where that took place.

Then, gentlemen, we have to look to the evidence as it implicates the prisoner at the bar. You must consider the evidence, to show that he must have tampered with the health of the deceased, by administering something to him in the brandy-and-water, in the broth, and in the other things which were administered to him at Rugeley. One part of the broth was taken by Elizabeth Mills, as she swears, and the consequence which followed, according to her evidence, and the evidence of Lavinia Barnes, was, that she was taken ill with a vomiting in the stomach as Cook the deceased had been.

Then, gentlemen, you have antimony found in the body of the deceased; antimony, which would show that tartar emetic, producing vomiting, had been administered, and it seems to be clearly proved that that substance was found in his body—from what source you are to say from the evidence before you.

Then, gentlemen, comes the more direct evidence that the prisoner at the bar, if you believe the witnesses, procured this very poison on the Monday and on the Tuesday—three grains I think on the Monday, and six on the Tuesday. For what purpose was that obtained? The evidence of the witness who swears to the poison being obtained on the Monday is impeached, but no impeachment rests upon the evidence of the witness who swears to the poison being sold by him on the Tuesday to the prisoner at the bar. You have no account of that poison: what was the intention with which it was purchased, and what was the application of it, you are to infer. Then, gentlemen, it is impossible that you should not pay attention to the conduct of the prisoner at the bar, and there are some instances of his conduct, which you will say whether they belong to what might be expected from an innocent or a guilty man. He was eager to have the body fastened down in the coffin. Then, with regard to the hetting-book, there is certainly evidence from which you may infer that he did get possession of the hetting-book, that he abstracted it and concealed it. Then, gentlemen, you must not omit his conduct in trying to bribe the postboy to overturn the carriage in which the jar was being conveyed, to be analyzed in London, and from which evidence might be obtained of his guilt. Again, you find him tampering with the postmaster, and procuring from the postmaster the opening of a letter from Dr. Taylor, who had been examining the contents of the jar, to Mr. Gardiner, the attorney employed upon the part of Mr. Stevens. And then, gentlemen, you have tampering with the coroner, and trying to induce him to procure a verdict from the coroner's jury, which would amount to an acquittal. These are serious matters for your consideration, but you, and you alone, will say what inference is to be drawn from them. If not answered, they certainly present a serious case for your consideration. It is for you to say whether the answer is satisfactory. Either you may be of opinion that the case on the part of the prosecution is insufficient, or you may be of opinion that the answer to it is satisfactory.

Then, gentlemen, that answer consists of two parts: first, of the medical evidence; and, secondly, of the evidence of facts. With regard to the medical evidence, I must say that there were examined on the part of the prisoner, a number of gentlemen of high honour and solid integrity and proved scientific knowledge, who came here only to speak the truth and assist in the administration of justice. You may be of opinion that others came, whose object was to procure an acquittal of the prisoner. Gentlemen, it is material, in the due administration of justice, that a witness should not be turned into an advocate, any more than an advocate should be turned into a witness. It is for you to say, whether some of those who were called on the part of the prisoner, did not belong to the category which I described as witnesses becoming advocates.

Gentlemen, the first witness on the part of the prisoner was Mr. Thomas Nunneley. [*The learned Judge read the evidence of Mr. Nunneley and the documents therein referred to.*] You will recollect what he says, and you will form your opinion as to the weight that is to be given to it. He certainly seemed to me to give his evidence in a manner not quite becoming a witness in a court of justice, but you will give all attention to the facts to which he refers in the evidence he gave. He differs very materially in his general opinion from several of the witnesses who were examined on the part of the prosecution. He speaks of there being an extraordinary rigidity of the body after death, when there has been a death of this description, with other symptoms, and he attaches considerable importance to the heart being empty, but you will say what weight ought to be attached to his opinion.

Mr. William Herapath, professor of chemistry at the Bristol Medical School, is then called (*the learned Judge read the examination in chief of Mr. Herapath*). He seems to



differ from Mr. Nunneley with respect to the rigidity produced by this poison (*the learned Judge then read the remainder of the witness's evidence*). Now, gentlemen, Mr. Hicrath is a very skilful chemist, and, I have no doubt, he spoke sincerely what he thought, and what was his opinion, that when there has been death by strychnine, strychnine ought to be discovered; but it seems he intimated an opinion on this very case of Cook, that there might have been strychnine, and that Dr. Taylor did not use the proper means to detect it. Now, the only evidence that we have in this case that there was not strychnine is, the analysis by Dr. Taylor and Dr. Rees that they did not discover it. As I before pointed out to you in two other cases, in which there certainly had been poisoning by strychnine, the result was the same—they could not discover it.

Then the next witness is Mr. Rogers, professor of chemistry at St. George's School of Medicine, in London (*the learned Judge read the evidence of Mr. Rogers*). Now, this is a gentleman whom there seems no reason to doubt; there seems no reason to doubt the facts that he stated, and that he does sincerely entertain the opinion that he expresses; and, according to his evidence, where there has been strychnine mixed with impure matter, it may be expected that it would be detected by skilful experimentalists, and by using the proper tests. Then Dr. Lethcby is called; he is the medical officer of health to the city of London, and of the London Hospital (*the learned Judge read the evidence of Dr. Lethcby*). Now then, gentlemen, I doubt not that Dr. Lethcby speaks sincerely, and according to his experience and opinion, but he does say truly that cases vary very much, and that there may be cases which he calls "exceptional," alluding to the case of the lady at Romsey; and it may probably be the fair result, that enough of this disease is not known to be aware of all its varieties, and that any peculiarity that may arise where there is strong probability of strychnine having been administered would not be anything like conclusive evidence to rebut that result.

Then Mr. Robert Gray, a member of the College of Surgeons, is examined (*the learned Judge here read the evidence of Mr. Gray*). Now, gentlemen, here you have a case of what is called idiopathic tetanus; but you are to say, whether from this you can infer that the illness of Mr. Cook was idiopathic tetanus. The great weight of evidence seems to me to show that it was not idiopathic any more than traumatic tetanus; but that whatever form of disease it might be, it would not be idiopathic tetanus; and you will find that the symptoms vary most materially in their appearance from the case that is here detailed in the duration as well as the rest of the course of events.

The next witness that was called was Mr. Brown Ross, house-surgeon to the London Hospital. (*The learned Judge read the evidence of Mr. Ross*.) Now, gentlemen, I do not know for what purpose the case alluded to by Mr. Ross was brought before you, unless to lead to an inference that Mr. Cook's was a case of tetanus of the same sort with this, which is here described, because this was tetanus; and I suppose it was intended that you are to infer that Mr. Cook's was of the same description; but whether you call it idiopathic or traumatic, it was a case of tetanus—was directly to be ascribed to wounds which were upon his body, and which are here described. No such wounds were upon the body of Mr. Cook; and other witnesses who were examined on the part of the defence say that this was not a case of tetanus at all; but then, even in this case that has been described, you see there were the symptoms so nearly approaching those of strychnine, that strychnine was suspected, but there was no ground for it; and in the case described there was no ground for supposing strychnine could by possibility be the cause of death.

Then the next witness is Mr. Mantell; he speaks to the same case. He is one of the house-surgeons of the London Hospital, and he says, "I saw the case spoken to by the last witness; he died of tetanus produced by the sores on the arm."

Now then, gentlemen, the next witness is a witness worthy of all praise for the sincerity which he exhibited, I mean Dr. Wrightson. (*The learned Judge read the evidence of Dr. Wrightson*.) Now, gentlemen, this witness, who, I have no doubt, is a most scientific and a very honourable man, speaks as a man of science, and, according to him, the poison would be found in the body; but he speaks with proper caution, and upon his evidence you ought to say whether, under particular circumstances, it might not be discoverable, or whether the person seeking for it might fail to employ the proper means for detecting it in the body.

Then comes Mr. Partridge, a most respectable gentleman, who says he has been many years in practice as a surgeon, and is professor of anatomy at King's College. (*The learned Judge read the evidence of Mr. Partridge*.) Now, gentlemen, you have here the opinion of a very respectable witness as to the different topics that he touches upon; and the most important one is, that he thinks that the symptoms that were exhibited did not correspond with what he should expect from strychnine; but he speaks from his own experience; and you have it from the other witnesses that the symptoms vary considerably in different cases.

The next witness is Mr. John Gay, a Fellow of the Royal College of Surgeons, and Surgeon to the Royal Free Hospital. (*The learned Judge then read the evidence of Mr. Gay*). Now, gentlemen, this was a case, you see, of tetanus arising from the toe being smashed; and it seems to me, although, of course, you will form your own opinion upon it, bears no analogy whatever to the case of Cook with regard to whom no

such cause could be assigned. Again, gentlemen, he says, what is very material, that in the event of a given state of tetanus it would be extremely difficult, if not impossible, without collateral evidence, to ascribe the tetanic disease to any cause in the absence of any evidence as to the cause. But you will form your own opinion upon it. He says, without collateral evidence it would be difficult, if not impossible. Therefore you are to look to collateral evidence; and if the collateral evidence would impute the symptoms of tetanic convulsions to any particular cause, according to this witness that cause may be assigned. That I say with a view to get what is called the moral evidence with regard to the conduct of a particular person, and with regard to what he may have done, or what he may have had in his possession.

Now comes Dr. McDonald. (*The learned Judge then read the evidence of Dr. McDonald and the documents referred to therein.*) Then, here is the evidence of Dr. McDonald, and you will observe that he gives an account of experiments he made for the prisoner, and you will see the lengths to which he goes in adopting a new form of disease of epilepsy with these complications. He says that this might be, and he believes that it did, from mental excitement, or from moral excitement, or from sensual excitement; and you are to say what weight you give to that evidence, compared with the witnesses who have given evidence before you.

The next witness is John Bainbridge, Doctor of Medicine and Medical Officer at St. Martin's Workhouse. (*The learned Judge read the evidence of Dr. Bainbridge.*) The object of this witness's evidence seems to be to induce you to believe that this was a case of epilepsy, and from the symptoms you will say whether you can come to that conclusion.

The next witness is Mr. Edward Steady, a Member of the College of Surgeons, in practice at Chatham. (*The learned Judge then read the evidence of Mr. Steady.*) The case referred to by this witness seems to be a case of traumatic tetanus; and you will say, if it were idiopathic, whether the course of it in the slightest degree resembles the symptoms of Cook the deceased.

The next witness is Dr. Robinson, a very respectable gentleman, who is a licentiate of the Royal College of Physicians, and Physician to the Newcastle-on-Tyne Dispensary and Fever Hospital. (*The learned Judge then read the evidence of Dr. Robinson.*) Now, gentlemen, you have this respectable physician, who gives an account from which you are called to infer that Cook's case was a case of epilepsy. He says he should only take it to be epilepsy in the absence of evidence of strychnine being administered. He says that all the symptoms described by Jones on the Tuesday night are consistent with strychnine; and, with regard to epilepsy, he says no case where epilepsy had existed would cause death without a loss of consciousness. Cook, you will remember, remained conscious to the last, and you will say whether, upon the evidence that is laid before you, there was or was not what is called in medical language a bending of the body, which is characteristic of tetanus, and what the witnesses have described as being inconsistent with epilepsy.

The next witness is Dr. Richardson, who now brings in, for the first time, angina pectoris as a disease of which it may be presumed Cook died. (*The evidence of Dr. Richardson was then read by his Lordship.*) Now, gentlemen, you have to attend to this case; the witness, who seems most highly respectable, says this case being detailed by him, the symptoms were consistent with strychnine, and that, if he had known as much of strychnine then as he does now, he would have made an analysis to see whether strychnine was in the body. The great question that I propounded for your consideration was, whether Cook's symptoms were consistent with strychnine, and, if they were not, then the conclusion would be in favour of the prisoner; but if they were consistent with strychnine, then you are not upon that alone to find a verdict of *guilty* against him; but you are to consider the other evidence, and see whether the death arose from strychnine or not. Dr. Wrightson is recalled, and he says that, in his opinion, when strychnine is entirely absorbed in the system it is diffused equally throughout the entire system. (*The evidence of Dr. Wrightson was then read by his Lordship.*) Dr. Wrightson is a philosopher, and, as a man of science, he speaks with caution, and you have heard his evidence. He says that if the minimum dose were taken sufficient to destroy life, and then a long interval elapsed between the taking of the poison and death, the more complete would be the absorption, and the less chance there would be of finding it in the stomach.

Mr. Serjeant Shee.—I think he said he would expect to find it in the spleen, the liver, and the blood.

Lord CAMPBELL.—Yes; "I should look for it elsewhere, in the spleen, the liver, and the blood."

Then comes Catherine Watson, and she says she lives at Garnkirk, near Glasgow. (*The evidence of Catherine Watson was then read by his Lordship.*)

Then comes Mr. Oliver Pemberton, Lecturer on Anatomy at Queen's College, Birmingham, and Surgeon of the General Hospital. (*His Lordship then read Mr. Pemberton's evidence.*) The evidence of this witness only goes to show that, in his opinion, an examination of the body at that time was not of much value, and did not afford the



means of coming to a satisfactory opinion, differing in opinion, therefore, from others that had been called. This, gentlemen, is the close of the medical evidence on behalf of the prisoner, and I think it may be now convenient that the Court should adjourn for a short time.

*The Court then adjourned for a short time.*

Gentlemen of the Jury, having finished the medical evidence adduced on behalf of the prisoner, we now come to witnesses who speak to facts, and the first is Henry Matthews, and he says, "I am inspector of police at the Euston Square Railway Station. I was stationed there on Monday the 19th of November last. At two o'clock in the afternoon of that day a train left London which would stop at Rugeley. No train after that hour stops at Rugeley." Now, he could not have gone by that train, for he was seen in London after that hour. No train after that stops at Rugeley; the express, which does not stop at Rugeley, left at five in the afternoon. It was due at Stafford at forty-two minutes past eight, and it did not arrive till forty-five minutes past eight. Therefore, if the prisoner went by the express, he could not well have been at Rugeley before ten o'clock, for it is ten miles off. Whether there is any intermediate mode of getting on by means of Lichfield or Birmingham may be doubted. I think it may be probably taken that he went by the express.

Joseph Foster was then called. You see that the medical witnesses for the prisoner, however strong, say that Cook was in very bad health before this, and to show that he was in had health this witness is called. (*His Lordship read Mr. Foster's evidence.*) I must say this is very slender evidence to show that he was in a state of health which might produce tetanus or any such disorder as has been described. All the witness can speak to is a sick headache on the occasion that he mentions.

Then George Myatt is called, who is one of the persons you will remember who was at the Raven Hotel on the Saturday night, having been in the room when the brandy-and-water was taken by Cook. (*His Lordship read the evidence of George Myatt.*) Now, the materiality of the evidence of this witness seems to be to show that Palmer could not have left the room where they were sitting to have brought any such ingredient as suggested, and to have given anything of that sort to Cook in the evening. His evidence upon that subject is at variance with the evidence of the witnesses for the prosecution, and is not consistent with Mrs. Brooks's evidence; but you will have to judge between them: that there was this sign which is described by the prosecutor's witnesses this evidence corroborates; that Cook did drink of his brandy-and-water, and immediately complained that there was something in it—that it was tasted, and that one of them said that there was not enough there to judge of it—seems proved by this witness in corroboration of the evidence given on the part of the prosecution.

John Sargeant is the next witness called. (*The evidence of John Sargeant was then read by his Lordship.*) Now, gentlemen, it is for you to say whether this evidence induces you to believe that Cook at the time when he had these attacks was in bad health, contrary to the evidence you have heard on the other side; and as to this cayenne pepper-nut, you see it would have happened to any of you, if you had had the misfortune to swallow the nut, and you would have exhibited the same symptoms.

Next, gentlemen, comes a very material witness, who, if he were to be believed, would be very important, particularly upon one part of the case,—I mean Jeremiah Smith: and you, having heard the whole of his evidence, the examination and cross-examination, are to say what faith or reliance you can place upon his testimony. (*His Lordship read a portion of Mr. Smith's evidence.*) Now, gentlemen, this would show, if true, that the genuine and very identical pills that Bamford had made, and in the state in which he had prepared them, were taken by Cook before Palmer arrived from London at Rugeley, or at any rate before he came to the Talbot Arms. (*His Lordship then read the remainder of the examination of Mr. Smith.*) Now, gentlemen, it is for you to say whether you can place reliance upon such testimony. You saw how he conducted himself in the witness-box, and how he at last denied that the signature to the instrument which he purported to have attested, and which he received from the prisoner at the bar, was in his handwriting. He said it was like it, but it was not his handwriting. Then it appears that he did receive 5*l.*, and you are to say whether it was not clearly for attesting that very assignment. The counterfoil of the cheque for 5*l.*, from William Palmer the prisoner, is shown him; and with that piece of paper he goes to the bank and receives the 5*l.* Can you believe a man who so disgraces himself in the witness-box? It is for you to say what faith you can place in a witness who, by his own admission, engaged in such fraudulent proceedings. We are now upon veracity, and you are to say whether you can believe a witness who at last acknowledges that he had been applied to and had been engaged in procuring an insurance on the life of Walter Palmer, who had been a bankrupt six years before, and who had no means of living except by the allowance of his friends and an allowance made to him by the prisoner at the bar.

Again, he acknowledges that he was engaged in the proposal to insure the life of Bates for 10,000*l.* Bates being at that time superintending the stables of the prisoner at the bar, living in lodgings at 6*s.* 6*d.* a-week, apparently having no property, and nothing depending upon his life, his life was to be insured for 10,000*l.* Smith gets himself appointed agent to an insurance-office, and, with a knowledge of these facts, he proposes

the insurance to be accepted by the office which he represents; and can you believe such a witness who acknowledges himself to have been engaged in such fraudulent proceedings, and who, now being examined upon his oath, denies the handwriting of his own attestation to that document. Gentlemen, of his credit you are to judge. His evidence would be material as to what took place on the Monday night, because it would show that the pills that Cook took that night were taken as they had been prepared by Bamford, and before the prisoner at the bar had had any opportunity to substitute others for them in the pill-box. Such is the case with regard to what took place on the Tuesday. If it stood there, and if it were believed, it would be evidence in favour of the prisoner at the bar; and you are to say whether you believe it, or, if you disbelieve it, what effect it has upon the other testimony that has been brought forward.

Gentlemen, the only other evidence that has been given is a letter which I hold in my hand. A person of the name of Saunders was called upon his subpoena, but did not answer; but there was given in evidence a letter from Cook to Palmer, dated 4th January, 1855, in these words (*his Lordship read the letter*). Now, gentlemen, it is clearly in evidence, and is not disputed, that Cook and Palmer the prisoner had transactions in betting together, but there is also evidence given that the prisoner at the bar had very large pecuniary dealings with which Cook had no concern—he had borrowed those large sums from Pratt and Wright upon bills which purported to be accepted by his mother, but which were in fact forgeries.

Now, gentlemen, this is the evidence on the part of the prisoner at the bar. You are to say how far that affects, in your opinion, the case made by the prosecution. As far as the pecuniary transactions between the parties are concerned, you will observe that the case remains unchanged, and with respect to the motive that the prisoner might have been actuated by; but, then, gentlemen, comes that most important question, whether the symptoms of the deceased were consistent with death by poisoning by strychnine. You will say whether your opinion upon that subject is altered by the evidence given on the part of the prisoner. Several of the witnesses called on the part of the prisoner seem to admit (although, of course, you will form your own judgment upon it) that those symptoms were consistent with strychnine, although, in the absence of evidence to show that strychnine was administered, they would not come to such a conclusion.

Then, with regard to the facts of the case, you have the witness Myatt, who gives a different account of what took place at the Raven, when the brandy-and-water was supposed to have been dosed; and you have the witness Jeremiah Smith with respect to what took place when the prisoner returned from London to Rugeley on the Monday night. You will say whether you can rely upon that, so as to alter any opinion that you had formed previously to that evidence being given. The conduct of the prisoner remains with no answer whatever given to it, with regard to what took place about the anxiety which he displayed to have the body speedily fastened up, with respect to the betting-book, and with respect to the tampering with the postboy, and with respect to the tampering with the coroner. Gentlemen, above all, no explanation has been given of the strychnine purchased on the Tuesday morning, which it has been proved he purchased, and which proof stands uncontradicted; no evidence has been given of any purpose to which that was to be applied, and no explanation has been given of what became of that poison.

Gentlemen, the case is now in your hands; and, unless upon the part of the prosecution a clear conviction has been brought to your minds of the guilt of the prisoner, it is your duty to acquit him. You are not to proceed even upon a strong suspicion; there must be the strongest conviction in your minds that he was guilty of this offence; and if there be any reasonable doubt remaining in your mind, you will give him the benefit of that doubt; but if you come to a clear conviction that he was guilty, you will not be deterred from doing your duty by any considerations such as have been suggested to you. You will remember the oath that you have taken, and you will act accordingly. Gentlemen, I have performed my task; you have now to discharge yours, and may God direct you to a right finding.

Mr. Serjeant Shee.—Your Lordship stated to the jury that *the* question for them to consider was, whether the evidence which has been brought forward—

Lord CAMPBELL.—That is a question.

Mr. Serjeant Shee.—Your Lordship has not put any other,—whether the evidence that has been brought forward is consistent with the death of Cook by strychnine. I submit to your Lordship that that is not *the* question which ought to be submitted to the jury.

Lord CAMPBELL.—Serjeant Shee, that is not *the* question that I have submitted to the jury; it is a question. I told them that unless they considered that the symptoms were consistent with death by strychnine they ought to acquit the prisoner.

Mr. Serjeant Shee.—It is my duty, my Lord, not to be deterred by any expression of displeasure at my stating it; I am accountable not only to your Lordships, but I am accountable to a much higher tribunal; and I am bound to submit to you what occurs to me to be the proper question to be put to the jury in this case—it is your Lordship's duty to overrule it if you think proper. I submit to your Lordships that the question,



whether the symptoms of Cook's disease were consistent with death by strychnine, is a wrong question, unless it is followed by this—"and inconsistent with death by other and natural causes,"—and that the question should be, whether the medical evidence establishes beyond all reasonable doubt the death of Cook by strychnine—it is my duty to submit that to your Lordship.

Mr. BARON ALDERSON.—That you have done already.

Mr. *Serjeant Shee*.—I don't understand what your Lordship means—that I have done it already, or his Lordship has done so?

Mr. BARON ALDERSON.—You said so in your speech.

Mr. *James*.—Just so, my Lord; I did not like to interfere, but this is really a recapitulation of the speech for the prisoner.

Mr. *Serjeant Shee*.—It is no recapitulation of the speech at all.

Lord CAMPBELL.—Gentlemen of the jury, I did not submit to you that *the* question upon which your verdict alone was to turn was whether the symptoms of Cook were consistent with death by strychnine, but I said that that was a most material question for you; and I desired you to consider that question with a view to guide your judgment as to whether he died from natural disease, or whether he did not die by poison, by strychnine administered by the prisoner. Then I went on to say that if you were of opinion that the symptoms were consistent with death from strychnine, you should go on to consider the other evidence given in the case, whether strychnine had been administered to him; and whether strychnine had been administered to him by the prisoner at the bar; and those are the questions that I again put to you. If you come to the conclusion that those symptoms were consistent with the strychnine, do you believe from the evidence that it was strychnine, and do you believe that that strychnine was administered by the prisoner at the bar? Do not find a verdict of *guilty* unless you believe that the strychnine was administered to the deceased by the prisoner at the bar. But if you believe that, it is your duty to God and man to find a verdict of *guilty*.

*The Clerk of the Arraignment*.—Gentlemen, you will be good enough to consider your verdict.

*The Foreman*.—We wish to retire, my Lord.

The jury retired at eighteen minutes past two, and returned into Court at twenty-four minutes to four.

The jury having answered to their names,

*The Clerk of the Arraignment* said—Gentlemen, have you agreed upon your verdict?

*The Foreman*.—We have.

*The Clerk of the Arraignment*.—Do you find the prisoner *Guilty* or *Not Guilty*?

*The Foreman*.—We find the prisoner GUILTY.

*The Clerk of the Arraignment*.—Prisoner at the bar, you stand convicted of the crime of wilful murder; what have you to say why the Court should not pass sentence of death upon you according to law? *The prisoner made no answer.*

The usual proclamation for silence having been made, and the Judges having put on the black caps,

Lord CAMPBELL said:—William Palmer, after a long and impartial trial you have been convicted by a jury of your country of the crime of wilful murder. In that verdict my two learned brothers, who have so anxiously watched this trial, and myself entirely concur, and consider that verdict altogether satisfactory. The case is attended with such circumstances of aggravation that I do not dare to touch upon them. Whether it is the first and only offence of this sort which you have committed is certainly known only to God and your own conscience. It is seldom that such a familiarity with the means of death should be shown without long experience; but for this offence of which you have been found guilty your life is forfeited. You must prepare to die; and I trust that, as you can expect no mercy in this world, you will, by repentance of your crimes, seek to obtain mercy from Almighty God. The Act of Parliament under which you have been tried, and under which you have been brought to the bar of this Court at your own request, gives leave to the Court to direct that the sentence under such circumstances shall be executed either within the jurisdiction of the Central Criminal Court or in the county where the offence was committed. We think that, for the sake of example, the sentence ought to be executed in the county of Stafford. Now, I hope that this terrible example will deter others from committing such atrocious crimes, and that it will be seen that whatever art, or caution, or experience may accomplish, such an offence will be detected and punished. However destructive poisons may be, it is so

ordained by Providence that there are means for the safety of His creatures, for detecting and punishing those who administer them. I again implore you to repent and prepare for the awful change which awaits you. I will not seek to harrow up your feelings by any enumeration of the circumstances of this foul murder. I will content myself now with passing upon you the sentence of the law, which is, that you be taken hence to the gaol of Newgate, and thence removed to the gaol of the county of Stafford, the county in which the offence of which you are justly convicted was committed; and that you be taken thence to a place of execution, and be there hanged by the neck until you be dead; and that your body be afterwards buried within the precincts of the prison in which you shall be last confined after your conviction; and may the Lord have mercy upon your soul. Amen!

The prisoner was immediately removed from the dock.

Mr. *James*.—I have to apply to your Lordship that the bills of exchange which have been given in evidence and proved to be forgeries may be impounded by your Lordship's officer.

LORD CAMPBELL.—Be it so. (*Turning then to the Jury.*) Gentlemen of the jury, I beg in the name of the country to return to you the warmest thanks which you deserve for your valuable services. Your conduct upon this trial has been most exemplary. I regret exceedingly to think of the privations that you have suffered, and of the loss to which you may have been liable. I believe that you are all engaged in business, and the most serious loss and inconvenience must have arisen to you; but I am sorry to say that I have no means whatever of remunerating you for that loss. I can only hope that you will be rewarded by the recollection of the faithful discharge of your duty.

I beg also to return our thanks to the Sheriffs of the City of London for the admirable manner in which this trial has been conducted, both as regards comfort and decency; and I think that they are justly entitled to those thanks which I now offer them.

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The prisoner was executed at eight o'clock on Saturday morning, June 14, 1856, in front of Stafford gaol. He reiterated that he was "innocent of poisoning Cook by strychnine."



# I N D E X.

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## EVIDENCE FOR THE PROSECUTION.

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